

In The Matter Of:
*Homeland Towers, LLC and New Cingular Wireless
PCS LLC*

Docket No. 488

August 11, 2020

*BCT Reporting LLC
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1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 488

5 Homeland Towers, LLC and New Cingular
6 Wireless PCS, LLC d/b/a AT&T application for a
7 Certificate of Environmental Compatibility and
8 Public Need for the construction, maintenance, and
9 operation of a telecommunications facility located
10 at one of two sites: Kent Tax Assessor ID #M10,
11 Block 22, Lot 38 Bald Hill Road or 93 Richards
12 Road, Kent, Connecticut

13
14
15 VIA ZOOM AND TELECONFERENCE

16
17 Continued Public Hearing held on Tuesday,
18 August 11, 2020, beginning at 1:03 p.m. via remote
19 access.

20
21 H e l d B e f o r e:

22 ROBERT SILVESTRI, Presiding Officer

23
24 Reporter: Lisa Warner, CSR #061

25

1 **A p p e a r a n c e s :**

2
3 **Council Members:**

4 **ROBERT HANNON**

5 **Designee for Commissioner Katie Dykes**
6 **Department of Energy and Environmental**
7 **Protection**

8 **LINDA GULIUZZA**

9 **Designee for Chairman Marissa Paslick Gillett**
10 **Public Utilities Regulatory Authority**

11 **JOHN MORISSETTE**

12 **MICHAEL HARDER**

13 **EDWARD EDELSON**

14
15 **Council Staff:**

16 **MELANIE BACHMAN, ESQ.**

17 **Executive Director and**
18 **Staff Attorney**

19
20 **ROBERT D. MERCIER**

21 **Siting Analyst**

22 **LISA FONTAINE**

23 **Fiscal Administrative Officer**
24
25

1 **A p p e a r a n c e s: (Cont'd.)**

2 **For Homeland Towers, LLC and New Cingular**
3 **Wireless PCS, LLC d/b/a AT&T:**

4 **CUDDY & FEDER, LLP**

5 **445 Hamilton Avenue, 14th Floor**

6 **White Plains, New York 10601**

7 **BY: LUCIA CHIOCCHIO, ESQ.**

8
9 **For Planned Development Alliance of Northwest**
10 **Connecticut, Inc., Spectacle Ridge**
11 **Association, Inc. and South Spectacle**
12 **Lakeside Residents:**

13 **LAW OFFICES OF KEITH R. AINSWORTH, ESQ.**

14 **51 Elm Street, Suite 201**

15 **New Haven, Connecticut 06510-2049**

16 **BY: KEITH R. AINSWORTH, ESQ.**

17
18 **For Bald Hill Road Neighbors:**

19 **GUION, STEVENS & RYBAK, LLP**

20 **93 West Street**

21 **P.O. Box 338**

22 **Litchfield, Connecticut 06759**

23 **BY: ANTHONY F. DiPENTIMA, ESQ.**

24 **MICHAEL D. RYBAK, JR., ESQ.**

25

1 **A p p e a r a n c e s: (Cont'd.)**

2
3 **For the Town of Kent:**

4 **CRAMER & ANDERSON, LLP**

5 **30 Main Street, Suite 204**

6 **Danbury, Connecticut 06810**

7 **BY: DANIEL E. CASAGRANDE, ESQ.**

8
9 **ROSEMARK LAW, LLC**

10 **100 Mill Plain Road, Third Floor**

11 **Danbury, Connecticut 06811**

12 **BY: DANIEL S. ROSEMARK, ESQ.**

13
14 **Meeting Host:**

15 **Aaron DeMarest, Pryme Tyme**

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17
18
19
20 ****All participants were present via remote access.**

1 MR. SILVESTRI: Good afternoon, all.
2 This continued remote evidentiary hearing is
3 called to order this Tuesday, August 11, 2020, at
4 1:03 p.m. My name is Robert Silvestri, member and
5 presiding officer of the Connecticut Siting
6 Council.

7 As everyone is keenly aware, there is
8 currently a statewide effort to prevent the spread
9 of Coronavirus. This is why the Council is
10 holding this remote hearing, and we ask for your
11 patience. If you haven't done so already, I ask
12 that everyone please mute their computer audio
13 and/or telephone now.

14 A copy of the prepared agenda is
15 available on the Council's Docket No. 488 web
16 page, along with the record of this matter, the
17 public hearing notice, instructions for public
18 access to this remote public hearing, and the
19 Council's Citizens Guide to Siting Council
20 Procedures.

21 I'll now ask that other members of the
22 Council and staff acknowledge that they are
23 present, when introduced, for the benefit of those
24 who are only on audio. Mr. Morissette.

25 MR. MORISSETTE: Present. Thank you.

1 MR. SILVESTRI: Thank you. Mr. Hannon.
2 MR. HANNON: I am here.
3 MR. SILVESTRI: Very good. Thank you.
4 Ms. Guliuzza.
5 MS. GULIUZZA: Present.
6 MR. SILVESTRI: Thank you. Mr.
7 Edelson.
8 MR. EDELSON: (No response.)
9 MR. SILVESTRI: I don't see Mr. Edelson
10 yet on my screen. How about Mr. Harder?
11 MR. HARDER: (No response.)
12 MR. SILVESTRI: I don't see Mr. Harder
13 yet on my screen either.
14 Executive Director and staff attorney,
15 Ms. Melanie Bachman.
16 MS. BACHMAN: Present. Thank you.
17 MR. SILVESTRI: Thank you. Staff
18 analyst, Robert Mercier.
19 MR. MERCIER: (No response.)
20 MR. SILVESTRI: Mr. Mercier, you are on
21 mute.
22 MR. MERCIER: Present.
23 MR. SILVESTRI: Thank you. And Fiscal
24 Administrative Officer Lisa Fontaine.
25 MS. FONTAINE: Present.

1 MR. SILVESTRI: Thank you. This
2 evidentiary session is a continuation of the
3 remote public hearing held on July 23, 2020. It
4 is held pursuant to the provisions of Title 16 of
5 the Connecticut General Statutes and of the
6 Uniform Administrative Procedure Act upon an
7 application from Homeland Towers, LLC and New
8 Cingular Wireless PCS, LLC doing business as AT&T
9 for a Certificate of Environmental Compatibility
10 and Public Need for the construction and operation
11 of a telecommunications facility located at one of
12 two sites: 38 Bald Hill Road or 93 Richards Road,
13 both in Kent, Connecticut. This application was
14 received by the Council on February 28, 2020.

15 A verbatim transcript will be made of
16 this hearing, posted on the Council's Docket No.
17 488 web site, and deposited with the Kent Town
18 Clerk's office for the convenience of the public.

19 As mentioned, we will proceed in
20 accordance with the prepared agenda, a copy of
21 which is available on the Council's Docket No. 488
22 web page. Interested persons may join any session
23 of this hearing to listen, but no public comments
24 will be received during this hearing. Please be
25 advised also that any person may be removed from

1 this remote evidentiary hearing at the discretion
2 of the Council.

3 I'll also note that the Council will
4 take a 10 to 15 minute break somewhere around 3:30
5 p.m. at a convenient juncture.

6 There are a number of motions that we
7 have before the Council that will be addressed at
8 this time.

9 Item No. 1 on motions: On July 28,
10 2020, Bald Hill Road Neighbors submitted an
11 objection to protective order and nondisclosure
12 agreement and motion to implead a necessary and
13 indispensable party. And Attorney Bachman may
14 wish to comment.

15 MS. BACHMAN: Thank you, Mr. Silvestri.
16 On July 28th Bald Hill Road Neighbors submitted a
17 second objection to the protective order, arguing
18 that party representatives are precluded from
19 disclosing the contents of the full phase 1-A to
20 their clients and a motion to implead a necessary
21 party, requesting the record owner of proposed
22 Site A be brought into the proceeding.

23 On August 6th the applicants submitted
24 a response in opposition to the objection and the
25 motion on the basis that the objection is

1 duplicative and the motion is improper.

2 On August 10th Bald Hill Road Neighbors
3 submitted a response to the applicants' response
4 reiterating its arguments.

5 During the hearing on July 23rd over
6 the first objection of Bald Hill Road Neighbors,
7 the Council granted the applicants' motion for
8 protective order for the full phase 1 at Site A,
9 and scheduled a closed evidentiary proceeding on
10 the full phase 1 at 2 p.m. on September 3, 2020,
11 with participation limited to parties and
12 intervenors who signed the nondisclosure
13 agreement.

14 With regard to the objection, the
15 protective order specifically allows parties and
16 intervenors access to the protected phase 1 upon
17 execution of the nondisclosure agreement.
18 Contrary to the Bald Hill Road Neighbors'
19 argument, access to the phase 1 is not limited to
20 party and intervenor representatives and expert
21 witnesses. The term "party" is partially defined
22 under the Uniform Administrative Procedure Act as
23 each person admitted as a party in an agency
24 proceeding.

25 On March 20 the representatives of Bald

1 Hill Road Neighbors requested the Council, quote,
2 designate Peter Fitzpatrick, Alexandra DiPentima
3 and Melanie Ough each as parties to this
4 proceeding. On April 2nd the representatives of
5 Bald Hill Road Neighbors requested the Council,
6 quote, designate Matthew and Bonnie Harris each as
7 parties to this proceeding and add them to the
8 Bald Hill Road Neighbor group.

9 All of these requests were granted.
10 All the Bald Hill Road Neighbor members are
11 parties to the proceeding, and any member of the
12 Bald Hill Road Neighbors, as well as any member of
13 a party or intervenor to the proceeding, may
14 access the protected phase 1 upon the execution of
15 the nondisclosure agreement.

16 With regard to the motion to implead a
17 necessary party, the Site A property owner of
18 record is not a necessary party to this
19 proceeding. The term "party" is also defined
20 under the Uniform Administrative Procedure Act as
21 each person who is required by law to be a party,
22 such as the applicant. The property owner of
23 record is not required by law to be a party, nor
24 is the property owner of record admitted as a
25 party to this proceeding.

1 In compliance with the Council's May 26
2 order, the applicants will have a witness
3 available for cross-examination on the protected
4 phase 1 during the September 3rd closed
5 proceeding. Therefore, staff recommends Bald Hill
6 Road Neighbors' objection be overruled, and Bald
7 Hill Road Neighbors' motion be denied.

8 MR. SILVESTRI: Thank you, Attorney
9 Bachman. Is there a motion from the Council
10 members?

11 MR. MORISSETTE: Motion to deny.
12 Morissette.

13 MR. SILVESTRI: Thank you, Mr.
14 Morissette. Is there a second?

15 MR. HANNON: Hannon. Second.

16 MR. SILVESTRI: Thank you, Mr. Hannon.
17 We do have a motion and a second for denial.

18 I will now ask the Council members one
19 by one if there is any discussion, again, to avoid
20 any communication problems or more than one person
21 speaking at the same time. I'll start with Mr.
22 Morissette. Any discussion?

23 MR. MORISSETTE: Thank you. I have no
24 further comments. Thank you.

25 MR. SILVESTRI: Thank you. Mr. Hannon.

1 MR. HANNON: I have no comments.

2 MR. SILVESTRI: Thank you, Mr. Hannon.

3 Somebody should go on mute because I do
4 have some background noise, please.

5 Ms. Guliuzza, any discussion?

6 MS. GULIUZZA: No discussion. Thank
7 you.

8 MR. SILVESTRI: Thank you also.

9 Mr. Harder, did you join us; and if so,
10 any discussion?

11 MR. HARDER: (No response.)

12 MR. SILVESTRI: I don't hear Mr.
13 Harder. I'll move to Mr. Edelson, if you joined
14 us, any discussion?

15 MR. EDELSON: (No response.)

16 MR. SILVESTRI: And I don't hear from
17 Mr. Edelson either. With no further discussion, I
18 will call for a vote from the Council members.

19 MR. DiPENTIMA: Mr. Chairman, point of
20 order, Attorney DiPentima, if I may?

21 MR. SILVESTRI: Go ahead.

22 MR. DiPENTIMA: May I respond to
23 Attorney Bachman's statement?

24 MR. SILVESTRI: I don't believe you
25 can, we're in a voting statement here right now.

1 Although for sake of clarity, I will ask Attorney
2 Bachman if she will allow you to respond.

3 MS. BACHMAN: Thank you, Mr. Silvestri.
4 I don't think that's necessary at this time.
5 Thank you.

6 MR. SILVESTRI: Thank you both,
7 Attorney DiPentima, Attorney Bachman.

8 I'd like to move on with no further
9 discussion, again, canvassing our Council members
10 for a vote one by one. Mr. Morissette.

11 MR. HARDER: Mr. Silvestri?

12 MR. SILVESTRI: Who is that?

13 MR. HARDER: I'm sorry. This is Mike
14 Harder. I did join a couple minutes ago, and for
15 some reason I was on mute and didn't realize it.

16 MR. SILVESTRI: Thank you, Mr. Harder.

17 MR. HARDER: Can I ask a question for
18 clarification?

19 MR. SILVESTRI: We could include you
20 for discussion purposes, sure.

21 MR. HARDER: Thank you. When Attorney
22 Bachman was responding and indicating that there
23 are several of the neighbors that were
24 specifically designated as parties, and there's
25 also the Bald Hill Neighbors Association, is

1 anyone in that group allowed, subject to signing
2 the nondisclosure agreement, to see the phase 1,
3 or only those people specifically identified?

4 MR. SILVESTRI: Attorney Bachman.

5 MS. BACHMAN: Thank you, Mr. Silvestri.
6 Only the parties identified in the list for the
7 Bald Hill Road Neighbors Group, as well as their
8 representatives and witnesses, may sign the
9 nondisclosure agreement and have access to that
10 protected phase 1, Mr. Harder.

11 MR. HARDER: Okay. All right. Thank
12 you. I appreciate that. That was it. Thank you.

13 MR. SILVESTRI: Thank you, Mr. Harder.

14 Again for voting purposes, going one by
15 one, let me start with Mr. Morissette. We do have
16 a motion and a second for denial. Mr. Morissette,
17 how do you vote?

18 MR. MORISSETTE: I approve the denial.
19 Thank you.

20 MR. SILVESTRI: Thank you.
21 Ms. Guliuzza? You're still on mute. There you
22 go.

23 MS. GULIUZZA: I approve the overruling
24 of the objection and the denial of the motion to
25 implead.

1 MR. SILVESTRI: Thank you. Mr. Hannon.

2 MR. HANNON: I approve the denial.

3 MR. SILVESTRI: Thank you. Mr. Harder.

4 MR. HARDER: Approve the denial.

5 MR. SILVESTRI: Thank you. I'll check
6 with Mr. Edelson just to see if he did join.

7 MR. EDELSON: (No response.)

8 MR. SILVESTRI: Hearing none, I will
9 also cast my vote for denial, which makes it five,
10 so the motion is denied.

11 Moving on to Motion No. 2: On July 31,
12 2020, Bald Hill Road Neighbors submitted a motion
13 to amend the nondisclosure agreement. And
14 Attorney Bachman may wish to comment.

15 MS. BACHMAN: Thank you, Mr. Silvestri.
16 On July 30th the Bald Hill Road Neighbors
17 submitted a Freedom of Information Act request for
18 the protected phase 1. On the same date the
19 Council responded indicating that phase 1 is
20 exempt from public disclosure under the Freedom of
21 Information Act as commercial information not
22 required to be provided by statute that is subject
23 to the July 23rd protective order. And members,
24 representatives and witnesses of any party or
25 intervenor in the proceeding, including the Bald

1 Hill Road Neighbors, have access to the protected
2 phase 1 upon signing the nondisclosure agreement.

3 Despite the Council's response on July
4 31st, Bald Hill Road Neighbors submitted a motion
5 to amend the nondisclosure agreement to include
6 the individual members of the Bald Hill Road
7 Neighbors. Again, the term "party" is partially
8 defined under the Uniform Administrative Procedure
9 Act as each person admitted as a party in an
10 agency proceeding.

11 On March 20 the representatives of Bald
12 Hill Road Neighbors requested the Council
13 designate Fitzpatrick, DiPentima and Ough each as
14 parties to this proceeding. On April 2nd the
15 representatives of Bald Hill Road Neighbors
16 requested the Council designate Matthew and Bonnie
17 Harris each as parties to this proceeding and add
18 them to the Bald Hill Road Neighbors group.

19 All the requests were granted. All the
20 Bald Hill Road Neighbors are parties to the
21 proceeding. And any member of the Bald Hill Road
22 Neighbors, as well as any member of a party or
23 intervenor to the proceeding, may access the
24 protected phase 1 upon execution of the
25 nondisclosure agreement.

1 Bald Hill Road Neighbors' attempts to
2 differentiate the protective order issued by the
3 Council in the case of Fairwind versus Connecticut
4 Siting Council on the basis that protected
5 materials in that case were exempt from disclosure
6 under a different subparagraph of the Freedom of
7 Information Act, first citing to a court appeal of
8 a Council decision where protective orders were at
9 issue, forecloses the Bald Hill Road Neighbors'
10 argument that the protected materials cannot be
11 disclosed in a court appeal. Second, that
12 protected materials in this case and in the
13 Fairwind case are equally exempt from the Freedom
14 of Information Act despite exemption from
15 disclosure under different subparagraphs of the
16 Freedom of Information Act. The Fairwind
17 attorneys failed to inform their witnesses and
18 clients that they could access the protected
19 materials upon signing a nondisclosure agreement.
20 The Supreme Court upheld the Council's protective
21 orders.

22 It should also be noted that Bald Hill
23 Road Neighbors specifically requested the
24 submission of the full phase 1-A for Site A;
25 therefore, staff recommends the motion to amend

1 the nondisclosure agreement be denied.

2 MR. SILVESTRI: Thank you, Attorney
3 Bachman.

4 Is there a motion from the Council
5 members?

6 MR. DiPENTIMA: Mr. Chairman, Attorney
7 DiPentima again for the record. May I make an
8 objection or make a statement?

9 MR. SILVESTRI: Again, no.

10 MR. DiPENTIMA: Okay. Thank you.

11 MR. SILVESTRI: Thank you. Is there a
12 motion from the Council members?

13 MS. GULIUZZA: I'll move denial of the
14 motion. This is Linda.

15 MR. SILVESTRI: Thank you, Ms.
16 Guliuzza.

17 Is there a second?

18 MR. HANNON: Hannon. Second.

19 MR. SILVESTRI: Thank you, Mr. Hannon.
20 We do have a motion and a second for denial.

21 Again, I will now ask Council members
22 one by one if there is any discussion, again, to
23 avoid any communication problems or more than one
24 person speaking at the same time.

25 And I'd like to start with Mr.

1 Morissette, any discussion?

2 MR. MORISSETTE: Thank you. No
3 discussion.

4 MR. SILVESTRI: Thank you.
5 Ms. Guliuzza, any discussion?

6 MS. GULIUZZA: No discussion. Thank
7 you.

8 MR. SILVESTRI: Thank you. Mr. Hannon,
9 any discussion?

10 MR. HANNON: I have no discussion at
11 this time.

12 MR. SILVESTRI: Thank you. Mr. Harder,
13 any discussion?

14 MR. HARDER: No comments.

15 MR. SILVESTRI: Thank you. Out of
16 convenience, because I don't see him on my screen,
17 I'll ask Mr. Edelson if he joined us and if
18 there's any discussion.

19 MR. EDELSON: (No response.)

20 MR. SILVESTRI: And hearing none, we
21 will move on. With no further discussion, I'll
22 call for a vote, again, canvassing our members one
23 by one.

24 Starting with Ms. Guliuzza, how do you
25 vote?

1 MS. GULIUZZA: Vote to deny.

2 MR. SILVESTRI: Thank you. Mr.
3 Morissette.

4 MR. MORISSETTE: I vote to deny.

5 MR. SILVESTRI: Thank you. Mr. Hannon.

6 MR. HANNON: Vote to deny.

7 MR. SILVESTRI: Thank you. Mr. Harder.

8 MR. HARDER: Deny.

9 MR. SILVESTRI: Thank you. I will also
10 vote to deny, so we have five votes for denial.

11 We are unanimous.

12 And we will move on to Motion No. 3:
13 On August 3, 2020, Planned Development Alliance of
14 Northwest Connecticut submitted a motion to strike
15 testimony. And Attorney Bachman may wish to
16 comment.

17 MS. BACHMAN: Thank you, Mr. Silvestri.
18 PDA submitted a motion to strike testimony
19 provided by applicants' counsel during the July
20 23rd evidentiary hearing session in response to a
21 question posed by Mr. Morissette about an
22 unrelated PURA matter. PDA argues that the
23 testimony was substantive because it discredited
24 small cell technology and related to contested
25 matters in these proceedings.

1 First, PDA did not object to Attorney
2 Chicocchio's response during the hearing. Second,
3 Attorney Chicocchio responded to a topical question
4 about an unrelated PURA matter for which she is
5 counsel of record and for which the applicants'
6 witness, Mr. Lavin, is unfamiliar. Third, PURA
7 Docket No. 18-06-13 specifically relates to AT&T's
8 small cell deployment within the public
9 right-of-way in Stamford and Bridgeport. This
10 application is for a telecommunications tower in
11 Kent.

12 Therefore, staff recommends the Council
13 take administrative notice of PURA Docket No.
14 18-06-13, which the applicant has also requested
15 in its August 6th submission, and also the motion
16 to strike be denied.

17 MR. SILVESTRI: Thank you, Attorney
18 Bachman. Is there a motion from the Council
19 members?

20 MR. MORISSETTE: Motion to strike
21 denied. Morissette.

22 MR. SILVESTRI: And Mr. Morissette, is
23 that also to administratively notice, as Attorney
24 Bachman had mentioned?

25 MR. MORISSETTE: Yes, and to

1 administrative notice.

2 MR. SILVESTRI: Thank you. I just
3 wanted to make sure we're covered on both counts.

4 Is there a second from the Council
5 members?

6 MR. HARDER: Mike Harder. Second.

7 MR. SILVESTRI: Thank you very much,
8 Mr. Harder. We do have a motion and a second for
9 denial of the motion to strike, but also to
10 include for the record the administrative notice
11 part.

12 And I'll now ask Council members one by
13 one again for discussion purposes, starting with
14 Mr. Morissette.

15 MR. MORISSETTE: No further comment.
16 Thank you.

17 MR. SILVESTRI: Thank you. Ms.
18 Guliuzza.

19 MS. GULIUZZA: I have no comment. I'll
20 be abstaining based on the underlying nature of
21 the testimony. Thank you.

22 MR. SILVESTRI: Okay. Mr. Hannon.

23 MR. HANNON: I have no comments.

24 MR. SILVESTRI: Mr. Harder, any
25 discussion?

1 MR. HARDER: No comments.

2 MR. SILVESTRI: Very good. Thank you.
3 And for voting purposes, I do have Ms. Guliuzza is
4 going to abstain.

5 Mr. Morissette, how do you vote?

6 MR. MORISSETTE: Approve the motion.

7 MR. SILVESTRI: Mr. Hannon.

8 MR. HANNON: Approve the motion.

9 MR. SILVESTRI: Thank you. Mr. Harder.

10 MR. HARDER: Approve the motion.

11 MR. SILVESTRI: Thank you. I will also
12 approve the motion, again, for denial and the
13 administrative notice aspect of it. We have four
14 votes for and one abstention. The motion does
15 carry. Thank you.

16 I'd like to continue with the
17 appearance by the applicant at this point,
18 Homeland Towers, AT&T. Attorney Chiocchio, could
19 you verify the new exhibits that have been
20 submitted?

21 MR. CASAGRANDE: Mr. Silvestri, may I
22 interrupt for one second? I apologize.

23 MR. SILVESTRI: Tell me who you are.

24 MR. CASAGRANDE: Dan Casagrande.

25 MR. SILVESTRI: Thank you. Go ahead,

1 Mr. Casagrande.

2 MR. CASAGRANDE: Yes. I would -- this
3 is in the nature of a request for indulgence.
4 Given the length of the -- expected length of
5 today's proceeding and the fact that the first
6 selectman, we've already indicated that she is
7 unavailable to testify today because of the
8 primary, there are two other town witnesses, and I
9 would respectfully request that given that this
10 hearing is going to be adjourned to, I believe,
11 September 3rd, I would ask the Council to excuse
12 the two other town witnesses until that day.

13 MR. SILVESTRI: I believe that might be
14 possible. Let me just cross-check with Attorney
15 Bachman just to make sure I'm not missing
16 anything. Attorney Bachman.

17 MS. BACHMAN: Thank you, Mr. Silvestri.
18 Attorney Casagrande did mention that the first
19 selectwoman would be unavailable, and I don't
20 believe that we would get to the town's appearance
21 today. But before I ask if anyone objects,
22 Attorney Casagrande, if we do hold a closed
23 proceeding on September 3rd, how would your
24 witnesses be able to know when that's closed and
25 then reopened for an open evidentiary session, and

1 would you be able to communicate with them?

2 MR. CASAGRANDE: Yes, I would have them
3 available on call with their phone numbers so that
4 when and if the Council got to the point where
5 they needed their testimony, I could have them
6 available very quickly.

7 MS. BACHMAN: Excellent. Thank you.
8 I'm just wondering if any of the other parties
9 would object to us allowing the appearance of the
10 town at the commencement of the open portion of
11 the evidentiary session on September 3rd.

12 MR. SILVESTRI: I was just going to ask
13 that, Attorney Bachman. Let me go one by one
14 again to avoid any voiceovers.

15 Attorney Chiocchio, any objection? And
16 you're muted.

17 MS. CHIOCCHIO: No objection.

18 MR. SILVESTRI: Thank you. Attorney
19 DiPentima and Attorney Rybak?

20 MR. DiPENTIMA: No objection.
21 Mr. Chairman, could the same courtesy be applied
22 to our two witnesses if you have any idea as to
23 where we will be with the Bald Hill testimony?

24 MR. SILVESTRI: To be honest with you,
25 my crystal ball isn't that sharp as to where we

1 would be today. I'm looking at what we have for
2 an agenda. It's quite feasible. Again, let me
3 just turn to Attorney Bachman just to verify the
4 feasibility of it. Attorney Bachman.

5 MS. BACHMAN: Thank you, Mr. Silvestri.
6 I'm going to direct the question to Attorney
7 Ainsworth. I was just curious if, Attorney
8 Ainsworth, do you have any objection to all of
9 your parties appearing for cross-examination at
10 the same time?

11 MR. AINSWORTH: They're present here
12 today, and they are prepared for
13 cross-examinations, so I have no objection to
14 either the pending motion or that (inaudible) --

15 MS. BACHMAN: Thank you. Certainly if
16 we get through the cross-examination of the
17 applicant this afternoon and time remains, we can
18 begin with the appearance and cross-examination of
19 the grouped parties PDA, SRA and Lakeside, and
20 then the Bald Hill Road Neighbors would go during
21 the open portion of the evidentiary session on
22 September 3rd. As long as they'll be able to get
23 ahold of their witnesses and let them know, then
24 we can do it that way where the town and Bald Hill
25 Road Neighbors appear on September 3rd after the

1 closed proceeding, subject to any objections.

2 MR. SILVESTRI: Very good. Thank you,
3 Attorney Bachman.

4 Again, Attorney Chiocchio, any
5 objections to that?

6 MS. CHIOCCHIO: No objection.

7 MR. SILVESTRI: Thank you. Attorney
8 Casagrande, Attorney Rosemark, any objection?

9 MR. ROSEMARK: No objection.

10 MR. SILVESTRI: Okay. Just to be
11 clear, again, for September 3rd I have item number
12 IV on my agenda, which would be the appearance by
13 the Bald Hill Road Neighbors, which would be moved
14 to September 3rd, and, again, the appearance by
15 the Town of Kent would also be moved to September
16 3rd. And if I didn't get that right, please let
17 me know, otherwise I'll continue.

18 MR. EDELSON: Mr. Chairman, before you
19 continue, this is Ed Edelson.

20 MR. SILVESTRI: Ah, Mr. Edelson.

21 MR. EDELSON: I apologize. Somehow I
22 lost the meeting ID and password. So I'm in as, I
23 guess, a member of the public. So if somebody
24 could send me the right link so I come in as a
25 commissioner, that would be very helpful.

1 MR. SILVESTRI: I believe our fiscal
2 administrative officer could correct that for you,
3 Mr. Edelson. But good to hear you. Thank you for
4 interrupting me.

5 MR. EDELSON: I guess I'm in.

6 MR. SILVESTRI: Very good. Okay,
7 moving on, Attorney Chiocchio, we're back to you.
8 Could you please begin by identifying the new
9 exhibits you filed in this matter and verifying
10 the exhibits by the appropriate sworn witnesses?

11 MS. CHIOCCHIO: Thank you, Mr.
12 Silvestri. In addition to new exhibits, we do
13 have a few items that we've requested
14 administrative notice of.

15 MR. SILVESTRI: Could you maybe
16 increase your volume slightly?

17 MS. CHIOCCHIO: Sure. In addition to
18 the additional exhibits, we have a few items which
19 we requested administrative notice by the Council.
20 And in the hearing program under II-A it's items
21 3, 4 and 5.

22 MR. SILVESTRI: I also had 6 that was
23 listed there, but I believe we took care of that
24 earlier with the third motion that we had. So
25 again, please continue. I want to group these all

1 together between the administrative notice items
2 and the new exhibits that you had.

3 MS. CHIOCCHIO: Very good. Thank you.
4 So our witnesses today are Mr. Raymond Vergati,
5 Mr. Harry Carey, Mr. Robert Burns, Mr. Michael
6 Libertine, Mr. Martin Lavin and Mr. Dan Stebbins.

7 R A Y M O N D V E R G A T I,
8 H A R R Y C A R E Y,
9 R O B E R T B U R N S,
10 M I C H A E L L I B E R T I N E,
11 M A R T I N L A V I N,
12 D A N S T E B B I N S,

13 having been previously duly sworn (remotely),
14 continued to testify on their oaths as
15 follows:

16 DIRECT EXAMINATION

17 MS. CHIOCCHIO: And I'll ask Mr.
18 Stebbins, with respect to the applicants' prefile
19 testimony of Mr. Stebbins, Exhibit Number 11, Mr.
20 Stebbins, did you prepare and assist in the
21 preparation of that testimony?

22 THE WITNESS (Stebbins): Yes.

23 MS. CHIOCCHIO: Do you have any
24 corrections or clarifications to the information
25 contained therein?

1 THE WITNESS (Stebbins): No.

2 MS. CHIOCCHIO: Is the information
3 contained therein accurate to the best of your
4 belief?

5 THE WITNESS (Stebbins): Yes.

6 MS. CHIOCCHIO: And do you adopt it as
7 your testimony in this proceeding?

8 THE WITNESS (Stebbins): I do.

9 MS. CHIOCCHIO: Thank you.

10 MR. CASAGRANDE: Mr. Silvestri, I'm
11 sorry to interrupt. Is there any way that
12 Attorney Chiocchio could turn up her volume? It's
13 very difficult to hear her. I apologize for
14 interrupting.

15 MR. SILVESTRI: We could try that
16 again. Attorney Chiocchio, any way you could get
17 closer to a mic?

18 MS. CHIOCCHIO: I will try. The
19 applicants also submitted a supplemental
20 submission dated August 4th and the Late-Filed
21 exhibits dated August 6th. So I'll ask each of my
22 witnesses with respect to those exhibits and ask
23 that each answer these questions individually.

24 Did you prepare and assist in the
25 preparation of the exhibits so identified?

1 Mr. Lavin.

2 THE WITNESS (Lavin): Martin Lavin.

3 Yes.

4 MS. CHIOCCHIO: Mr. Libertine.

5 THE WITNESS (Libertine): Mike
6 Libertine. Yes.

7 MS. CHIOCCHIO: Mr. Vergati.

8 THE WITNESS (Vergati): Ray Vergati.
9 Yes.

10 MS. CHIOCCHIO: Mr. Carey.

11 THE WITNESS (Carey): Harry Carey.
12 Yes.

13 THE WITNESS (Burns): Robert Burns.

14 Yes.

15 MS. CHIOCCHIO: Do you have any
16 clarifications or updates to the information
17 contained in those exhibits?

18 THE WITNESS (Lavin): Martin Lavin.

19 No.

20 THE WITNESS (Libertine): Mike
21 Libertine. No.

22 THE WITNESS (Vergati): Ray Vergati.
23 No.

24 THE WITNESS (Carey): Harry Carey. No.

25 THE WITNESS (Burns): Robert Burns.

1 No.

2 MS. CHIOCCHIO: Is the information
3 contained therein true and accurate to the best of
4 your knowledge?

5 THE WITNESS (Lavin): Martin Lavin.

6 Yes.

7 THE WITNESS (Libertine): Mike

8 Libertine. Yes.

9 THE WITNESS (Vergati): Ray Vergati.

10 Yes.

11 THE WITNESS (Carey): Harry Carey.

12 Yes.

13 THE WITNESS (Burns): Robert Burns.

14 Yes.

15 MS. CHIOCCHIO: And do you adopt it as
16 your testimony in this proceeding?

17 THE WITNESS (Lavin): Martin Lavin.

18 Yes.

19 THE WITNESS (Libertine): Mike

20 Libertine. Yes.

21 THE WITNESS (Vergati): Ray Vergati.

22 Yes.

23 THE WITNESS (Carey): Harry Carey.

24 Yes.

25 THE WITNESS (Burns): Robert Burns.

1 Yes.

2 MS. CHIOCCHIO: Thank you.

3 MR. SILVESTRI: Thank you, Attorney
4 Chiocchio. I did hear everybody loud and clear.
5 I hope that everybody else that was participating
6 in this hearing also heard it loud and clear.

7 Does any party or intervenor object to
8 the admission of the applicants' new exhibit and
9 administratively noticed items? I'll start with
10 Attorney Ainsworth.

11 MR. AINSWORTH: No objection.

12 MR. SILVESTRI: Thank you. Attorney
13 DiPentima and Attorney Rybak?

14 MR. DiPENTIMA: No objection.

15 MR. SILVESTRI: Thank you also.
16 Attorney Casagrande and Attorney Rosemark, any
17 objections?

18 MR. ROSEMARK: This is Dan Rosemark. I
19 do have an objection under 16-50j-28 of the Rules
20 of Practice, and that relates to the
21 administratively noticed items as follows: The
22 Connecticut State Division of Emergency Management
23 and Homeland Security, FirstNet for Connecticut,
24 those were two different links that were provided.
25 And also to the Connecticut Department of Energy

1 and Environmental Protection, Public Utilities
2 Regulatory Authority, or PURA, Docket No.
3 18-06-13.

4 MR. SILVESTRI: Truthfully, I heard
5 you, but I don't quite understand you, so I'm
6 going to ask Attorney Bachman if she could clarify
7 what your objection is.

8 MS. BACHMAN: Thank you, Mr. Silvestri.
9 I believe Attorney Rosemark is objecting to
10 allowing administrative notice of the Connecticut
11 State Division of Emergency Management and
12 Homeland Security FirstNet plan, and also item
13 number 4 is a link to the FirstNet for
14 Connecticut. With regard to the PURA docket, we
15 just took administrative notice of that during the
16 motions, but any public document or any other
17 agency's document that's been either a final
18 decision or policy of another state agency such as
19 the Emergency Management and Homeland Security for
20 the state is a document that is able to be
21 administratively noticed.

22 So I just look for clarification from
23 Attorney Rosemark. Is that the rationale for the
24 objection?

25 MR. ROSEMARK: Sure, yes. Just for

1 clarification, the two links that were provided
2 under the Connecticut State Division of Emergency
3 Management and Homeland Security, as well as
4 FirstNet for Connecticut, if you read the terms of
5 use in the privacy disclosures on both of those,
6 those are actually hyperlinks, for the most part,
7 back to the site which is the firstnet.com web
8 site, and the firstnet.com web site is powered by
9 AT&T.

10 If you go to several of the links that
11 were provided under the Connecticut State Division
12 of Emergency Management and Homeland Security,
13 you'll come up to a web -- an AT&T gap reporting
14 tool which is a blank Excel web sheet that could,
15 subject to the terms of use of the web sites, they
16 can be updated without any knowledge or any notice
17 to anybody. So the documents and all the content
18 can be changed without any notice or at the whim
19 of essentially AT&T in this instance because the
20 FirstNet web site is powered by AT&T, as disclosed
21 in their terms of use. So those should not
22 necessarily be judicially cognizable facts such as
23 a decision or an order to the Council or under
24 Section E where it's a technical or scientific
25 fact within the Council's specialized knowledge.

1 MR. SILVESTRI: Let me try to clarify
2 before Attorney Bachman might wish to comment in
3 addition. Attorney, if I understand correctly,
4 your objection is kind of based on the, how shall
5 we say, the non-privacy of that particular web
6 site or link that somebody could possibly post
7 data at a whim, not necessarily cross-checked by
8 anybody that would be in FirstNet or any other
9 type of operation. Is that kind of where you're
10 coming from?

11 MR. ROSEMARK: No, sir. I'm saying
12 that the following content is provided by and
13 operated and maintained by AT&T, which is a party.
14 If you look through the links of the data, the
15 content itself, the firstnet.com web site is
16 powered and operated and maintained by AT&T. So
17 while it starts off as a government link in the
18 first instance, when you click the link and then
19 you look at the terms of use of that particular
20 web site, it discloses in the first instance that
21 this is powered by AT&T. So the content is
22 basically predicated on AT&T, not necessarily a
23 government entity. The content itself can be
24 changed by AT&T without providing any notice or
25 disclosure.

1 In fact, AT&T, as through the FirstNet
2 web site terms of use, specifically and expressly
3 states they don't warrant -- the information,
4 graphic depictions, product or service
5 descriptions or other content of the portal and
6 whether it's accurate, complete, reliable,
7 updated, current or error free, despite the best
8 efforts, it is possible that FirstNet service or
9 product description offered on the portal may be
10 inaccurate or the product or service description
11 may contain an inaccuracy. In the event AT&T
12 determines that a FirstNet product or service
13 contains an inaccurate description, AT&T reserves
14 the right to take any action it deems reasonable
15 and necessary in its sole discretion to rectify
16 the error. AT&T may make improvements or changes
17 to any of its content, information, products,
18 services or programs described on the portal at
19 any time without notice. And then it goes on --

20 MR. SILVESTRI: Thank you.

21 MR. ROSEMARK: Yeah.

22 MR. SILVESTRI: No. Thank you. You
23 know, my understanding, I thought these links went
24 to Connecticut DEMHS, but I'd like Attorney
25 Chiocchio just to opine in, if you would.

1 MS. CHIOCCHIO: Thank you, Mr.
2 Silvestri. As indicated in the testimony that was
3 provided, AT&T was selected by the federal
4 government to administer the FirstNet program. So
5 AT&T is linked to this federal program. And that
6 was provided in the testimony by Mr. Stebbins and
7 discussed at the last hearing.

8 MR. SILVESTRI: Thank you, Attorney
9 Chiocchio.

10 Attorney Bachman, anything else to add?

11 MS. BACHMAN: Thank you, Mr. Silvestri.
12 Given the fact that it's on AT&T's administrative
13 notice list and not the Council's administrative
14 notice list, they're public documents and they all
15 link to the Division of Emergency Management and
16 Homeland Security, I would recommend that the
17 objection just be overruled and allow the
18 administrative notice items to be in the
19 applicants' exhibit list.

20 MR. SILVESTRI: Thank you, Attorney
21 Bachman.

22 Attorney, after considering a couple
23 things here and, again, my understanding on where
24 that link goes, I am going to overrule your
25 objection at this point, but do appreciate your

1 comments.

2 MR. ROSEMARK: Thank you.

3 MR. SILVESTRI: Thank you. Barring
4 that, any other objections to the applicants'
5 exhibits?

6 (No response.)

7 MR. SILVESTRI: Attorney Casagrande,
8 Attorney Rosemark, any other objections?

9 MR. ROSEMARK: None at this time.

10 MR. SILVESTRI: Very good. We're going
11 to admit those. Thank you.

12 (Applicants' Administrative Notice
13 Items II-A-3 through II-A-6: Received in
14 evidence.)

15 (Applicants' Exhibits II-B-11 through
16 II-B-13: Received in evidence - described in
17 index.)

18 MR. SILVESTRI: Moving on, we'd like to
19 continue the cross-examination of the applicant by
20 the Council, and I'd like to start with Mr.
21 Mercier.

22 CONTINUED CROSS-EXAMINATION

23 MR. MERCIER: Thank you. I just have
24 one question regarding the Late-File exhibit. It
25 has to do with the statistic analysis of the

1 potential 131 foot tower, 131 foot tower either
2 Site A or Site B. The Council requested that you
3 examine a lower height, and you came up with the
4 131 feet and provided a bunch of information as to
5 coverage loss compared to 150 feet. The only
6 question I have is, do you have a plot available
7 to go along with the statistical data?

8 THE WITNESS (Lavin): Martin Lavin,
9 C-Squared. We can provide a plot, yes.

10 MR. MERCIER: Do you have one with you
11 now just out of curiosity?

12 THE WITNESS (Lavin): I do not.

13 MR. MERCIER: Okay. Thank you. I just
14 have one other question regarding the FirstNet
15 technology. Now, is this technology carried by
16 AT&T's antennas, or is there any separate
17 equipment that's required to be mounted on the
18 tower in order to provide it?

19 THE WITNESS (Lavin): Yes, it's
20 integrated with the -- it's provided over the same
21 4G LTE equipment at the base station that provides
22 AT&T's commercial service. There is no extra
23 equipment for FirstNet.

24 MR. MERCIER: Thank you. I have no
25 other questions at this time.

1 MR. SILVESTRI: Thank you, Mr. Mercier.
2 I'd like to continue with cross-examination by Mr.
3 Morissette.

4 MR. MORISSETTE: Thank you, Mr.
5 Silvestri. Just a couple of questions. My first
6 has to do with the supplemental submission
7 relating to the emergency backup generator. Now,
8 AT&T selected a 15 kW generator from Polar Power.
9 Is that a smaller generator than was originally
10 proposed?

11 THE WITNESS (Burns): I believe it
12 was -- Bob Burns, APT. I believe it was the same
13 size. They're just going with a propane generator
14 at this point.

15 MR. MORISSETTE: Okay. So that's the
16 difference, the fuel?

17 THE WITNESS (Burns): Yes. And a
18 propane generator is slightly quieter than a
19 diesel generator.

20 MR. MORISSETTE: Okay. So the July
21 16th emergency backup generator sound assessment
22 was based on gas?

23 THE WITNESS (Burns): No, it was based
24 on propane.

25 MR. MORISSETTE: That was based on

1 propane as well, okay.

2 THE WITNESS (Burns): Yes, sir.

3 MR. MORISSETTE: Very good. Okay. Is
4 there anything else in the plot plans that have
5 changed?

6 THE WITNESS (Burns): No, we provided
7 propane for AT&T, and we provided an extra pad for
8 the town's future generator so they could put
9 propane in as well -- not a pad but a location.

10 MR. MORISSETTE: Great. Okay. Thank
11 you. My next questions are for Colonel Stebbins
12 relating to FirstNet. Given the storm that we
13 just experienced, do you have any feedback for us
14 as far as any situations in the Kent area relating
15 to situations with 911 calls or lack thereof for
16 emergencies?

17 THE WITNESS (Stebbins): Dan Stebbins.
18 I don't believe there are any stats that I have
19 regarding 911 calls. I can say that we had 21
20 calls for deployables in the State of Connecticut
21 as a result of the storm, and those were all
22 addressed. Kent had three of their own for either
23 outages or power that we needed to reestablish to
24 continue to operate. Beyond that, I don't have
25 anything specific.

1 MR. MORISSETTE: Okay. So I know in
2 our area we had cell service that was unavailable
3 for probably six hours. In those type of
4 situations, Colonel Stebbins, do you know if
5 FirstNet would have been down as well? So if you
6 completely lose cell service, do you also lose
7 FirstNet?

8 THE WITNESS (Stebbins): That's
9 correct, if you completely lose service, meaning
10 generating power or electrical power, they both
11 need to have power to operate. So if you are
12 without power of some sort, the systems do go
13 down.

14 MR. MORISSETTE: Okay. Thank you.
15 This next question, I don't believe it's for you,
16 I think it's for Mr. Lavin, but I'll ask it before
17 you switch seats. I believe that was already
18 testified to is that FirstNet cannot be supported
19 utilizing small cell technology. Could someone
20 confirm that for me?

21 THE WITNESS (Lavin): Martin Lavin,
22 C-Squared. As a general rule, I believe every
23 AT&T site supports FirstNet, whether it's the
24 small cell in a dense urban area or a rural cell
25 on a mountaintop in western Connecticut. It's not

1 a problem in this case of a small cell not being
2 able to deliver FirstNet. It's a problem of the
3 footprint of the size of the coverage being
4 inappropriate to a rural area.

5 MR. MORISSETTE: Okay. Thank you for
6 clarifying that for me.

7 THE WITNESS (Lavin): And for backup
8 power as well. Small cells don't have backup
9 power. If the power is lost, there's no battery,
10 no generator. If commercial power is lost, they
11 go off the air.

12 MR. MORISSETTE: So if the grid goes
13 down, the small cells are down?

14 THE WITNESS (Lavin): Yes.

15 MR. MORISSETTE: Okay. Thank you.
16 That's all the questions I have.

17 MR. SILVESTRI: Thank you, Mr.
18 Morissette. Before we move on to Mr. Harder, I
19 needed to ask Colonel Stebbins one quick question.
20 Thank you. In your response to Mr. Morissette,
21 you mentioned the word "deployable." What does
22 that mean?

23 THE WITNESS (Stebbins): Deployable can
24 be a generator that's deployed to the scene. It
25 can also be a vehicle, a SAT COLT or what we call

1 COWs, cell on wheels, trucks that could replace
2 the function of a tower to a certain degree.

3 MR. SILVESTRI: So it would be response
4 to keep communications going?

5 THE WITNESS (Stebbins): Correct.

6 MR. SILVESTRI: Okay, very good. Thank
7 you. I'd like to move on now to Mr. Harder.

8 MS. CHIOCCHIO: Mr. Vergati may have
9 some information with respect to the storm in the
10 Town of Kent in response to Mr. Morissette's
11 question.

12 THE WITNESS (Vergati): Ray Vergati,
13 Homeland Towers. Last evening at approximately 9
14 o'clock I received an email from Alan Gawel who's
15 the communications officer for the Town of Kent
16 Fire Department. We spoke for 20 minutes or so,
17 and Alan had expressed to me that during the storm
18 they experienced a number of hardships.
19 Primarily, they had live wires down that caused
20 fires with telephone poles. The telephone poles
21 then came down into the street. He mentioned to
22 me that the fire department was severed completely
23 from any 911 calls, and it was a huge issue for
24 public safety. So we discussed this, obviously,
25 and they really went through a tough time trying

1 to get responders out to folks that needed it.

2 I just want to make one point of
3 clarification. The height of the tower originally
4 proposed was 154. I hear 150 sometimes being
5 mentioned by folks. The new -- not the new, but
6 RF has said they can live with a RAD center of
7 131, meaning a tower height of 135. I just want
8 to make sure everybody understands we're talking
9 about 154 foot proposed, potentially 135 foot now,
10 a reduction of 19 feet. Thank you.

11 MR. MORISSETTE: Mr. Silvestri, if I
12 could ask some follow-up questions?

13 MR. SILVESTRI: Mr. Morissette, is that
14 you?

15 MR. MORISSETTE: Yes.

16 MR. SILVESTRI: Yes, please go ahead.
17 We'll go back to you before we go to Mr. Harder.

18 MR. MORISSETTE: Great. Mr. Vergati,
19 concerning the information you just provided, was
20 the reason why the fire department was unable to
21 connect or receive calls from 911 is because the
22 area that was in distress was unable to
23 communicate to the fire department, or the fire
24 department was unable to receive calls?

25 THE WITNESS (Vergati): My

1 understanding that there was a fiber line and
2 phone lines that burned on 341 severing landlines
3 where people were not able to make a phone call
4 out. We actually had an owner on Richards Road
5 directly across from our site that had these
6 particular phone poles come down due to a fire.
7 With no cell service, she could not get a cell
8 phone call out to the fire department. She was
9 able to get, from what I understand, a landline
10 call. But now since the landlines are still out
11 as of a day or two ago, that would not have been
12 able to happen. So I can't speak directly on the
13 issues that they've had. I just know in speaking
14 to Mr. Gawel that the fire department was severed
15 from any 911 calls coming in.

16 MR. MORISSETTE: Okay. I'm not quite
17 sure what that means, the fire department was
18 severed. Well, they were unable to receive calls,
19 they were unable to receive them because of tower
20 reception or landlines were down?

21 THE WITNESS (Vergati): They were
22 unable to receive them, from my understanding,
23 both, lack of cell service and lack of landlines
24 being intact.

25 MR. MORISSETTE: So that was a real

1 mess. All right.

2 THE WITNESS (Vergati): Absolutely.

3 MR. MORISSETTE: Thank you for your
4 follow-up. That's all I have, Mr. Silvestri.

5 MR. SILVESTRI: Thank you. Mr. Harder.

6 MR. HARDER: Yes. Sorry. Actually, I
7 had a follow-up to Mr. Morissette's question or
8 actually to one of the testimony previously, the
9 mention of the word "deployable," but, Mr.
10 Silvestri, you asked that question for me.

11 And a follow-up just to clarify on the
12 discussion that just took place responding to Mr.
13 Morissette's question. I gather from what was
14 said that both landline coverage and cell phone
15 coverage was lost in the Kent area; is that
16 correct?

17 THE WITNESS (Vergati): This is Ray
18 Vergati, Homeland Towers. That's my
19 understanding. What I've asked Mr. Gawel to do is
20 send a follow-up letter to Council members
21 explaining in writing the challenges that the town
22 had from a communications service, basically
23 public safety, both in receiving calls and getting
24 calls out.

25 MR. HARDER: So if the cell phone

1 coverage was also lost, then also based on I think
2 what Colonel Stebbins had indicated earlier,
3 FirstNet would not have functioned; is that
4 correct?

5 THE WITNESS (Vergati): I can't speak
6 for that. And I would add that I don't know if
7 it's so much of an issue of cell phone service
8 being lost. I think it's also an issue of lack of
9 cell service, period, up in that area or the
10 general area. So regardless, no signal was
11 present or is present today to get a 911 call out.

12 MR. HARDER: Okay. I'm assuming it's
13 not the case where there's zero cell phone
14 coverage, there's got to be some. But if there
15 were full cell phone coverage, if what he
16 testified to is correct, then the FirstNet system
17 would not have worked; is that correct?

18 THE WITNESS (Vergati): I can't speak
19 for the FirstNet system. I'm not an expert on
20 that. I would defer that to Colonel Stebbins or
21 Martin Lavin, the RF engineer.

22 MR. HARDER: Okay. Could one of them
23 respond, please?

24 THE WITNESS (Lavin): Martin Lavin. In
25 the absence of cell signal due to lack of coverage

1 all the time or an outage in a storm, the FirstNet
2 system would not function, and there is a
3 significant lack of coverage in that area now.

4 MR. HARDER: Okay. Thank you. I
5 appreciate that. I have no other questions or
6 comments. Thank you.

7 MR. SILVESTRI: Thank you, Mr. Harder.
8 I just want to be careful on this that we don't
9 run into a he-said-she-said type of situation,
10 that, you know, we do have facts and data to back
11 up the statements that were made. So I just throw
12 that out for caution.

13 I'd like to continue with Mr. Hannon,
14 please.

15 MR. HANNON: Thank you, Mr. Silvestri.
16 A few of the questions I had have been asked and
17 answered, so I actually want to take a little
18 different tact on this. If I understand
19 correctly, there is a propane tank that is being
20 used for the emergency backup generator at this
21 site or the proposed sites; is that correct?

22 THE WITNESS (Burns): Bob Burns, APT.
23 There will be dual propane tanks installed for
24 AT&T's generator to fuel it, correct.

25 MR. HANNON: Okay. So given all of the

1 problems that we had all over the state with this
2 tropical storm that blew through, can you give me
3 a rough idea as to how long the backup generators
4 can run on propane versus the diesel? Because
5 it's my understanding that what we've seen
6 presented to the Siting Council in the past is
7 with a diesel backup it's maybe about 48 hours but
8 with propane it's maybe about twice as long,
9 closer to the four days.

10 THE WITNESS (Burns): I'm thinking it's
11 around 72 hours, but I don't know that for a fact.
12 I can submit that afterwards and get that
13 information for you.

14 MR. HANNON: I mean, the reason I'm
15 asking is because with the number of cell towers
16 that have been proposed over time, and given the
17 problems that we had on roadways across the state,
18 I'm beginning to wonder whether or not something
19 like diesel is feasible, if it runs out in about
20 48 hours, we're not better off going in with a
21 longer running generator for backup purposes. So
22 I don't know if you've got an opinion on that, but
23 that's kind of where I'm coming from, I think,
24 now.

25 THE WITNESS (Burns): I would certainly

1 agree with you, Mr. Hannon. And there are times,
2 if the area that we are developing -- and I'm not
3 talking about these two particular sites -- is
4 smaller, with the spark zone that the propane tank
5 comes with, sometimes we're limited by what we can
6 put in for generators, but I do agree with you.

7 MR. HANNON: Thank you. I mean, like I
8 said, my other questions were asked and answered,
9 so that's the path I took today. I have nothing
10 further.

11 MR. SILVESTRI: Thank you, Mr. Hannon.
12 I'd like to turn now to Ms. Guliuzza for continued
13 cross-examination.

14 MS. GULIUZZA: Thank you, Mr.
15 Silvestri. I have no questions at this time.

16 MR. SILVESTRI: Thank you.
17 Mr. Edelson, let's continue cross-examination with
18 you.

19 MR. EDELSON: Okay. Thank you. At the
20 public hearing back in July one of the members of
21 the public came up and made a statement with
22 regard to coverage, which is very key to what we
23 do to make sure that the coverage being provided
24 by the cell tower is filling in gaps either for
25 capacity or for overall bandwidth, and he related

1 that the AT&T web site, a customer can go in --
2 and, I'm sorry, this is a question probably for
3 Mr. Lavin -- that a customer, or a potential
4 customer, could go in and look for AT&T's coverage
5 in particular areas, and that if you do that for
6 Kent, it shows that AT&T has complete coverage for
7 the whole Town of Kent.

8 Much to my surprise, I went on that web
9 site as a potential customer, and it showed that
10 there was full coverage by AT&T for all users in
11 the Town of Kent. Can you help me reconcile the
12 maps that were in our -- or in your submission
13 with regard to coverage gaps and what's on AT&T's
14 web site with regard to what customers can expect
15 in the Town of Kent?

16 THE WITNESS (Lavin): Mainly there is a
17 rather extensive legal disclaimer on those maps as
18 to --

19 MR. EDELSON: Which maps are you
20 referring to here?

21 THE WITNESS (Lavin): The maps on the
22 web site.

23 MR. EDELSON: Okay.

24 THE WITNESS (Lavin): The coverage
25 finder explaining the difference, explaining how

1 those were prepared and what conditions apply to
2 them. They're not -- I've not personally prepared
3 them. I don't have as much detail as I had with
4 the ones I've done myself. That's the main
5 difference, they don't take into account different
6 coverage levels. They're prepared for marketing
7 purposes. They are a courser, I believe,
8 resolution. As I said, there's a disclaimer which
9 I don't have with me about weather conditions,
10 outages, any number of things that just go with --
11 have to be considered along with the coverage
12 finder maps.

13 MR. EDELSON: Well, that is a little
14 distressing because it does raise concerns about
15 what AT&T is putting out there for its customers.
16 But obviously, if you will, the ground truth from
17 what happened this last week indicates that there
18 are coverage issues in the town.

19 While I have you there, I thought I
20 heard you say something and I just would like you
21 to clarify it with regard to -- the question was
22 really with regard to FirstNet and its dependence
23 on the cell system. And you referred to anything
24 from tall towers to small cells in rural areas
25 like Kent. Are you aware of any rural community

1 similar to Kent that has implemented small cell
2 technology as a way to meet their coverage needs?

3 THE WITNESS (Lavin): No. I think I
4 said, you know, small cells in the densest urban
5 areas to mountaintop towers in rural areas. I
6 don't know of any rural area that has implemented
7 small cells. They are just not appropriate for
8 the wide area of coverage we need out there.

9 MR. EDELSON: Okay. So none that
10 you've ever heard of that a community or that a
11 provider has said I will do this and we could look
12 at what the results were. If we were to do
13 something like that in Kent and its rural
14 configuration, as far as you know, it would be the
15 first of its kind to use that technology in that
16 type of environment?

17 THE WITNESS (Lavin): Yes, because it
18 is considered very much inappropriate for the
19 area.

20 MR. EDELSON: All right. And I think
21 the next question is not for you but it's -- well,
22 it's really more of a comment to follow up on Mr.
23 Hannon, so I don't think I need a witness. But
24 for several hearings in a row I was pretty
25 insistent about noting the inconsistency that we

1 have with regard to the coverage, the time span
2 that generators will cover, and obviously
3 something like FirstNet is dependent on the
4 weakest link. And I think it just really shows
5 what happened this last week, the need for the
6 cell providers, wireless providers, to come
7 together and work not with us but with the FCC to
8 create a standard because this idea that one tower
9 is 48 hours, another tower is 72 hours, I think we
10 had as high as something like 96 hours, this is
11 not the way to look at a system where each tower
12 has a different standard. And I think we needed
13 this most recent event, this most recent storm, to
14 realize that we're piecemealing this together, and
15 we're not creating the strong network that we
16 really need here in Connecticut.

17 So with that, thank you very much,
18 Mr. Chairman.

19 MR. SILVESTRI: Thank you, Mr. Edelson.
20 Just a note, too, for Council members and parties
21 and intervenors. The town will be with us again
22 on September 3rd. A lot of questions that we
23 might have about storm response, emergency
24 response, what went down, what didn't went down, I
25 think we could hold off until 9/3 and get answers

1 right from the town.

2 Moving forward, I have a couple
3 follow-up questions that actually go back to the
4 last time we were together. Back at that time,
5 and it might have been Mr. Libertine, I'm not
6 sure, but there was discussion about possibly
7 painting or coloring the towers to make them
8 two-tone, and what I wrote down is that you could
9 have a sky blue color above.

10 The follow-up question I had on that
11 is, does the sky blue color above include
12 appurtenances such as the antennae?

13 THE WITNESS (Libertine): This is Mike
14 Libertine. It certainly can. There are several
15 that have been deployed, and some do include
16 painting to match the blue with the antennas and
17 the racking. So yes, it can be done.

18 MR. SILVESTRI: Does painting interfere
19 with transmission of signals?

20 THE WITNESS (Libertine): Not to my
21 knowledge, no, and I'm looking at Mr. Lavin for
22 some acknowledgment for that, but painting the
23 antennas does not impact. No, it does not.

24 MR. SILVESTRI: Very good. Thank you.
25 I had another follow-up question based on I

1 believe what Mr. Morissette had asked the last
2 time. And if this was answered in its entirety,
3 please forgive me for repeating it. I'm going
4 back to the terrain maps with the radio frequency
5 analysis reports that were in attachment 1 of the
6 application. And to me it appears that the ground
7 level for Site A is roughly 1,300 feet; is that
8 correct?

9 THE WITNESS (Libertine): Yes, it is.

10 MR. SILVESTRI: And if I look at the
11 same map, it seems to me that for Site B the
12 ground level looks like it's roughly 1,345 feet.

13 THE WITNESS (Libertine): That sounds
14 correct. Yes, it is.

15 MR. SILVESTRI: Okay. So again, with
16 both of those being correct, the question I have
17 for you is can the height of the monopole that's
18 proposed for Site B be reduced by 45 feet because
19 of ground level elevation and still provide the
20 needed coverage?

21 THE WITNESS (Lavin): Martin Lavin,
22 C-Squared. No, it's unfortunately not that
23 simple. It's a matter of the land use around it.
24 More so it's alignment with the rest of the
25 terrain. It isn't a simple matter of elevation at

1 the base of the tower. Not all locations at 1,300
2 or 1,345 are created equal. It's site by site
3 based on what all is around it, what the
4 immediately adjoining terrain is and the further
5 terrain, alignment with the roads, and things of
6 that nature. Not all sites at the same elevation
7 in the same town are created equal.

8 MR. SILVESTRI: If you had a 45 foot
9 reduction at Site B, what do you think would
10 interfere with getting, say, your signal out? I'm
11 still confused on that.

12 THE WITNESS (Lavin): The terrain
13 surrounding it. It would be -- I think we
14 submitted a 40 foot reduction, 110 feet AGL, in
15 one of our filings, and the losses were pretty
16 substantial from what the site can do at 150.

17 MR. SILVESTRI: So the overall answer
18 is no you could not reduce it by 45 feet because
19 of what you predict would be substantial losses?

20 THE WITNESS (Lavin): Its position
21 among all the terrain features is quite different
22 from the other site so --

23 MR. SILVESTRI: Okay. Thank you, Mr.
24 Lavin. That's all the follow-up questions that I
25 had. But before we move on to our grouped

1 intervenors, let me just go back to our Council
2 members just to see if they have any other
3 questions; and if you do, please join in.

4 MR. MORISSETTE: This is John
5 Morissette. I have a follow-up question. With
6 the new proposed height of I believe it's 131
7 feet, how does that affect the viewshed analysis?
8 I know that's a broad question, but in general
9 terms would you expect that the reduction of 23
10 feet would have a major impact or no impact at
11 all? Thank you.

12 THE WITNESS (Libertine): This is Mike
13 Libertine. In some locations it would probably
14 have a dramatic impact. In others I don't know if
15 it really would. In both locations we're on ridge
16 lots, so we're above the trees. As I said, in
17 some locations I think dropping 20 feet could get
18 it into the trees, but, again, you could move I'm
19 thinking primarily over the water where the views
20 are probably the most dramatic above the treeline
21 as you move southward onto south pond that it
22 probably would not make a substantial difference.
23 Again, in other areas, especially near views, I
24 think it probably would have some impact and
25 lessening in getting it down a little bit closer

1 to the treeline. So again, unfortunately it's
2 really a location specific situation.

3 MR. MORISSETTE: Is it possible to
4 provide some photosense to give us a comparison
5 view, not the entire analysis but maybe from the
6 lake view of the prominent --

7 THE WITNESS (Libertine): Sure. If
8 this would be helpful, we could go through and see
9 ones that are very prominent and give you select
10 shots from both reducing it by 20 feet or 19 feet
11 and see what that looks like. We can certainly do
12 that.

13 MR. MORISSETTE: I think that would be
14 helpful. Thank you.

15 Mr. Silvestri, do you think that would
16 be something we could ask?

17 MR. SILVESTRI: I'll agree, yes,
18 because we are going to meet again on September
19 3rd. So if we could have those ahead of time to
20 look at them, and we could proceed from there.

21 MR. MORISSETTE: Thank you. That's all
22 the follow-up I have.

23 MR. SILVESTRI: Thank you, Mr.
24 Morissette.

25 Any other follow-ups from Council

1 members or staff?

2 MR. HANNON: Mr. Silvestri, can I ask a
3 question on the small cells?

4 MR. SILVESTRI: You could ask a
5 question.

6 MR. HANNON: Okay. Just driving around
7 town recently, I saw that Eversource had what
8 appeared to be sort of small power generators
9 attached to some of the transformers. I'm
10 wondering if that is something that could be
11 utilized with the small cells, because I
12 understand the power goes out they are not going
13 to generate anything, but is there some type of a
14 portable generator that could actually be used to
15 keep them in service while the power lines were
16 out?

17 THE WITNESS (Lavin): It's Martin Lavin
18 here. I'm not aware of any unit of that kind, no.
19 I don't know what the units are on the power
20 lines, so I don't --

21 MR. HANNON: Okay. I was just asking.
22 Thank you.

23 MR. SILVESTRI: All set, Mr. Hannon?

24 MR. HANNON: Yes.

25 MR. SILVESTRI: Very good. Thank you.

1 Any other follow-ups from Council members?

2 (No response.)

3 MR. SILVESTRI: Hearing none, I'd like
4 to continue with cross-examination of the
5 applicants by the grouped intervenors and CEPA
6 intervenors. This is Planned Development Alliance
7 of Northwest Connecticut, Inc., Spectacle Ridge
8 Association, Inc. and South Spectacle Lakeside
9 Residents. And Attorney Ainsworth, you got it.

10 MR. AINSWORTH: Thank you, Mr.
11 Silvestri. I'll try to keep my voice up so that
12 everyone can hear.

13 I have initial questions for Mr.
14 Stebbins, so I'll address them to him. Mr.
15 Stebbins, are you a consultant directly for AT&T,
16 or do you work directly as an employee of AT&T?

17 THE WITNESS (Stebbins): I'm an
18 employee of AT&T.

19 MR. AINSWORTH: Okay. So you don't
20 have a separate company that you formed that
21 consults to AT&T, or it's you are an employee?

22 THE WITNESS (Stebbins): I'm an
23 employee.

24 MR. AINSWORTH: Thank you. Is there
25 any rule or regulation or law requiring that there

1 be backup power to FirstNet?

2 THE WITNESS (Stebbins): I believe
3 there is a contract that has language in it that
4 requires us to go beyond even best effort to put
5 these towers back online, but the specifics of
6 that I don't know.

7 MR. AINSWORTH: And FirstNet operates
8 on the 700 megahertz band; is that not true?

9 THE WITNESS (Stebbins): That's
10 correct, it operates on band 14 and 700.

11 MR. AINSWORTH: And 700 megahertz
12 antennas can be installed on small cells; is that
13 not true?

14 THE WITNESS (Stebbins): I'd have to
15 defer to one of the technicians.

16 MR. AINSWORTH: Okay. Then I'll
17 perhaps refer to Mr. Lavin. Mr. Lavin, can a 700
18 megahertz antenna be installed on a small cell
19 installation?

20 THE WITNESS (Lavin): Martin Lavin.
21 Yes, it can.

22 MR. AINSWORTH: And going back to Mr.
23 Stebbins -- and I wasn't aware that we would need
24 to switch back and forth, so please bear with
25 me -- the examples that you gave in your testimony

1 during the first session back in July, you gave
2 some testimony regarding the lottery shooting and
3 the Sandy Hook School shooting. Were there power
4 failures during those events?

5 THE WITNESS (Stebbins): Not to my
6 knowledge. There were communication failures.

7 MR. AINSWORTH: And can you think of
8 any active shooter or mass murder event which
9 occurred during a power failure?

10 THE WITNESS (Stebbins): Not to my
11 knowledge.

12 MR. AINSWORTH: And are there any
13 schools covered by either proposed tower in this
14 docket to your knowledge?

15 THE WITNESS (Stebbins): I would
16 imagine there is, but I don't know that for
17 certain.

18 MR. AINSWORTH: Okay. So you have not
19 studied the maps to determine whether there are
20 schools covered by the proposed towers in this
21 matter?

22 THE WITNESS (Stebbins): That's
23 correct.

24 MR. AINSWORTH: So now my questions
25 will turn to the AT&T technical team. Thank you,

1 Mr. Stebbins.

2 I noticed in the conclusion of Mr.
3 Lavin's report, originally dated October 9, 2019,
4 basically where he describes the coverage, and he
5 says the AT&T site -- and this is with regard to
6 both, actually, Richards Road and Bald Hill --
7 will provide a substantial portion of the coverage
8 being lost to the target area while maintaining
9 effective connectivity to the rest of AT&T's
10 existing network.

11 And directing your attention to
12 attachment 4 of attachment 1 of the application,
13 which is basically the original coverage maps,
14 when you say "effective connectivity," that means
15 hand-offs for someone traveling through the cell
16 to another cell, correct? And for reference, this
17 is on page 11 of that attachment, if that helps.

18 THE WITNESS (Lavin): Yes.

19 MR. AINSWORTH: Okay. So going back to
20 my question is, when you say effective
21 connectivity to the rest of the network, you were
22 referring to people traveling through the cell
23 mobile unit, correct?

24 THE WITNESS (Lavin): Yes.

25 MR. AINSWORTH: And on that attachment

1 number 4, page 11, there's a significant white
2 area in between the proposed facility and the
3 existing facility to the west; is there not?

4 THE WITNESS (Lavin): In attachment 4,
5 yes. We've subsequently submitted other maps of
6 the outdoor coverage level to show greater, if not
7 perfect, connectivity.

8 MR. AINSWORTH: And to that point, when
9 you say "outdoor coverage," you're talking about
10 minus 108 dBm, correct?

11 THE WITNESS (Lavin): That's correct.

12 MR. AINSWORTH: So when you modeled in
13 the supplemental coverage maps, or at least the
14 answers to interrogatories where you discussed the
15 potential coverage by small cells, you modeled
16 that at what level?

17 THE WITNESS (Lavin): The outdoor
18 coverage?

19 MR. AINSWORTH: For the small cells.
20 If I recall, it was 93 dBm; was it not?

21 THE WITNESS (Lavin): I believe it was
22 at that time, yes. That's to do apples-to-apples
23 comparison with our previous submissions.

24 MR. AINSWORTH: Okay. But when you
25 submitted these additional coverage maps for the

1 towers, you went down to the level of 108, minus
2 108 dBm?

3 THE WITNESS (Lavin): Yes.

4 MR. AINSWORTH: Why didn't you model
5 the small cells at minus 108 dBm as well?

6 THE WITNESS (Lavin): I believe we
7 submitted statistics. That was neg 108. I'm just
8 trying to find the response containing the
9 comparison to the DAS. We submitted statistics.
10 We can supplement with plots. Perhaps we --

11 MR. AINSWORTH: Okay.

12 THE WITNESS (Lavin): Supplemental
13 coverage at neg 108 and submitted statistics at
14 neg 108 with the DAS.

15 MR. AINSWORTH: So the tables that you
16 submitted regarding the small cells were relating
17 to a minus 108 dBm standard?

18 THE WITNESS (Lavin): 83, 93 and minus
19 108 were all recorded.

20 MR. AINSWORTH: Okay. And was the
21 calculations done for those tables done based on a
22 census track or census block analysis?

23 THE WITNESS (Lavin): In the case of
24 the census data, yes.

25 MR. AINSWORTH: Did you undertake to

1 actually do an actual count of where the homes and
2 businesses and roads might be with regard to the
3 projected coverage?

4 THE WITNESS (Lavin): There is road
5 coverage presented. We did not do an actual count
6 of residences. It wouldn't be an apples-to-apples
7 comparison with the census data because a lot of
8 those homes are part-time occupancy, and I don't
9 know if those people live there year-round and
10 would have answered the census in this area or
11 they live somewhere else and we'd be counting a
12 residence where there may be only seasonal
13 occupancy. We use the census data because
14 everyone can get to it. It's digitally available
15 and can be divided up by covered and uncovered
16 areas. And anyone could redo that if they wished.
17 It's publicly available data.

18 MR. AINSWORTH: Sure. And it wouldn't
19 matter to AT&T whether someone was seasonal or
20 full-time, they're still a customer, correct?

21 THE WITNESS (Lavin): It's not
22 customers we're looking at here. It's simply
23 population. No one else would be able to double
24 check my work. Customers, because no one else has
25 any access, I don't have access to where the

1 customers are, and the fact that they aren't
2 necessarily at their residence all day long
3 either. The statistics are done on
4 publicly-available data, and the census covers the
5 whole country. It's where people live and that's
6 the one sort of universal piece of data everyone
7 can have --

8 MR. AINSWORTH: Sure.

9 THE WITNESS (Lavin): -- and look at
10 the comparison, if they wish, to my statistics.

11 MR. AINSWORTH: Sure. And so you used
12 the publicly-available data in the census blocks,
13 but you did not go out and count homes that are on
14 the map underlying the coverage area projected?

15 THE WITNESS (Lavin): No.

16 MR. AINSWORTH: And I did use the term
17 customers, and will clarify that they're all
18 potential customers because, again, we don't know
19 who might actually sign up for AT&T or Verizon or
20 T-Mobile, correct?

21 THE WITNESS (Lavin): That's correct.

22 MR. AINSWORTH: So when you count
23 population, counting houses, actual houses, would
24 tell you a more accurate coverage of where
25 coverage coincides with a residence?

1 THE WITNESS (Lavin): No. Again, the
2 census is the national, you know, once every ten
3 years count that's taken by the government.
4 Looking at aerial photos of areas, I don't
5 personally happen to be able to tell with complete
6 accuracy which are houses, which are garages, or
7 for that matter which houses are seasonally
8 occupied and which houses are occupied year-round.
9 Neither I nor as far as anyone else has any way to
10 discern that from an aerial photo.

11 MR. AINSWORTH: Although, you'd have to
12 concede that where buildings are indicated it's
13 more probable that a person might be located as
14 opposed to just open space along the side of a
15 hill, for example?

16 THE WITNESS (Lavin): I'm dealing with
17 hard census data here, not probabilities or
18 anything of that nature. It's analysis that will
19 get the same answer no matter who's doing it, be
20 objective instead of allowing subjective factors
21 to come in.

22 MR. AINSWORTH: It's not necessarily
23 subjective to say that the presence of a building
24 indicates the presence of humans, isn't it?

25 MS. CHIOCCHIO: Sir, I believe we

1 covered this. Mr. Lavin has answered the
2 question, several questions about the census data
3 he used and why he used it.

4 MR. SILVESTRI: I'll agree, Attorney
5 Chiocchio. Attorney Ainsworth, did you have
6 something further that you might want to add on
7 that one without necessarily going through the
8 repetition?

9 MR. AINSWORTH: I can move on. Thank
10 you, sir.

11 MR. SILVESTRI: All right. Thank you.

12 MR. AINSWORTH: So getting back to the
13 design of the system, small cells can actually
14 have backup power on them; can they not?

15 THE WITNESS (Lavin): If they are
16 deployed in a building top in an urban area,
17 certainly, but out here on a pole along the road,
18 no.

19 MR. AINSWORTH: So you couldn't put a
20 battery pack on a pole?

21 THE WITNESS (Lavin): It would be a
22 brief battery backup, and I don't know, we're
23 getting into areas outside my expertise about
24 who's allowed to put what on the poles and in the
25 right-of-way. So we can't just put anything we

1 feel like on the poles, no.

2 MR. AINSWORTH: So is it your
3 understanding that backup power would be forbidden
4 under the pole sharing agreements with Eversource?

5 THE WITNESS (Lavin): I don't know the
6 pole sharing agreements with Eversource, but I've
7 never seen anyone be able to put backup power on
8 utility poles, no.

9 MR. AINSWORTH: So you've never seen
10 backup power on a utility pole small cell, Mr.
11 Lavin?

12 THE WITNESS (Lavin): Not backup power
13 as in replacing commercial power. There could be
14 some battery packs in some small cells for some
15 short duration, but in terms of providing public
16 safety communications under FirstNet, certainly,
17 it wouldn't be as -- particularly in the most
18 recent blackout, there's no battery pack that's
19 going to get you through a five-day outage.

20 MR. AINSWORTH: And with regard to the
21 cell tower, the cell towers that are proposed in
22 this proceeding are proposed to be connected to
23 fiber; is that true?

24 THE WITNESS (Lavin): I think so. I'm
25 not entirely sure.

1 MR. AINSWORTH: But in any event, they
2 are connected to a hard line that goes into the
3 general telephone system?

4 THE WITNESS (Lavin): They're probably
5 on fiber. They could be on microwave. I'm not
6 sure exactly how it's being done.

7 MR. AINSWORTH: If the power goes out
8 for a -- or actually if the phone lines go out for
9 a cell tower, both the FirstNet and the cell tower
10 won't function as wireless communication centers,
11 will they?

12 THE WITNESS (Lavin): If it's on fiber
13 and only fiber and the fiber is cut, then
14 communication is lost with the network.

15 MR. AINSWORTH: And you're unaware of
16 whether or not there's any microwave backup for
17 this particular system?

18 THE WITNESS (Lavin): I don't know if
19 there is or not, no.

20 MR. AINSWORTH: My understanding from
21 the earlier testimony was that there was a
22 microwave dish proposed but it was for municipal
23 purposes; am I understanding that correctly? And
24 this may have to be a question for one of the
25 other panel members.

1 MS. CHIOCCHIO: Mr. Vergati can answer
2 that.

3 MR. AINSWORTH: Thank you.

4 THE WITNESS (Vergati): Ray Vergati,
5 Homeland Towers.

6 MR. AINSWORTH: Mr. Vergati, I think
7 you muted yourself.

8 THE WITNESS (Vergati): Ray Vergati,
9 Homeland Towers. In response to your question
10 regarding microwave, the Town of Kent is proposing
11 a 2 foot microwave dish for Site A, a 2 foot
12 microwave dish for Site B. The Bald Hill Road
13 site, Site A, would be a backhaul to Mohawk Power
14 in Cornwall, Connecticut. And the Richards Road
15 microwave would be a backhaul to the Chaplin Road
16 site in New Milford.

17 MR. AINSWORTH: And so when you say the
18 town is proposing that, is that also serving
19 AT&T's purposes or just for the town's purposes
20 for the Litchfield county dispatch?

21 THE WITNESS (Vergati): It's my
22 understanding just serving the town's public
23 safety needs.

24 MR. AINSWORTH: So following up on the
25 testimony that Mr. Lavin was giving, and he said

1 he wasn't certain if this particular proposal,
2 either Bald Hill or Richards Road, was backed up
3 by microwave. What is your understanding of
4 whether or not these two towers are backed up by
5 microwave for AT&T?

6 THE WITNESS (Vergati): It's my
7 understanding right now that AT&T, as part of this
8 application, is only proposing nine panels and 18
9 radio remote heads, RRUs or RRHs. A microwave
10 dish can always be added after the fact.

11 MR. AINSWORTH: But has there been --
12 is the design currently proposed to the Council to
13 have a microwave backup?

14 THE WITNESS (Vergati): Currently, no.

15 MR. AINSWORTH: And I think that's all
16 the questions I have for AT&T at this time. Thank
17 you, sir.

18 MR. SILVESTRI: Thank you, Attorney
19 Ainsworth. I'd like to continue cross-examination
20 of the applicants by the Bald Hill Road Neighbors
21 and Attorney DiPentima and Attorney Rybak, please.

22 MR. DiPENTIMA: Thank you,
23 Mr. Chairman. I presume that I think my questions
24 are going to be directed to Mr. Vergati.
25 Mr. Chairman, would I be able to screen share some

1 photos for my cross-examination?

2 MR. SILVESTRI: We normally don't do
3 that, sir, no.

4 MR. DiPENTIMA: All righty. Thank you.

5 MR. SILVESTRI: But you could refer to
6 pages that they submitted in the application or
7 any supplemental material that they have.

8 MR. DiPENTIMA: All right. Thank you,
9 Mr. Chairman. I appreciate that. I was hoping to
10 do that, but okay.

11 Mr. Vergati, just so that I understand,
12 are you the gentleman who testified at the
13 December 13th meeting in Kent?

14 THE WITNESS (Vergati): The December
15 13th meeting with the town?

16 MR. DiPENTIMA: Yes.

17 THE WITNESS (Vergati): Yes, that was
18 me.

19 MR. DiPENTIMA: All right, that was
20 you, all righty. And you're the person who
21 initially made contact with John Atwood?

22 THE WITNESS (Vergati): That is
23 correct.

24 MR. DiPENTIMA: And you were reviewing
25 the site with Mr. Atwood, both the homestead and

1 Lot A, for a possible tower on Bald Hill?

2 THE WITNESS (Vergati): Yes.

3 MR. DiPENTIMA: All righty. And you
4 plan to have become somewhat friendly with Mr.
5 Atwood?

6 THE WITNESS (Vergati): Mr. Atwood was
7 an interesting character, and I grew quite fond of
8 him. He was a nice man.

9 MR. DiPENTIMA: Yes, he was an
10 interesting character. Just for the record, is
11 this application for the Site A property for the
12 entire 1.99 acre parcel or just for the proposed
13 construction area?

14 THE WITNESS (Vergati): When Homeland
15 Towers originally leased from Mr. John Atwood, it
16 was our entitlement rights were strictly for a
17 lease area, not the whole 1.99 acres. Upon
18 Mr. Atwood's passing, Homeland had an opportunity
19 to purchase the property, which we did. We own
20 the 1.99 acres.

21 MR. DiPENTIMA: So if I understand your
22 testimony correctly then, the remediation proposed
23 for any construction of a tower on Site A would be
24 limited to the area of where the tower and the
25 support structure is going to be and would not

1 include the remainder of parcel A; is that
2 correct?

3 MS. CHIOCCHIO: Hold on. Presiding
4 Officer, we did not indicate that we --

5 MR. DiPENTIMA: I'm sorry, counsel, I
6 can't hear you.

7 MS. CHIOCCHIO: We did not indicate
8 that we would be performing any remediation on
9 Site A.

10 MR. DiPENTIMA: All right. Well, I
11 just want to know is the protective order for the
12 entire 1.99 acre parcel or is it just for the area
13 of proposed construction, the 18 percent of the
14 Bald Hill lot?

15 MR. SILVESTRI: Attorney DiPentima,
16 what I'd like to do is any questions related to
17 phase 1 site assessment for Site A, I'd rather
18 hold those to September 3rd when we go into the
19 closed evidentiary hearing session. It's really
20 more appropriate to hold that at that point in
21 time.

22 MR. DiPENTIMA: All right. Thank you,
23 Mr. Chairman.

24 Mr. Vergati, just some general
25 information. How many cell towers has AT&T built

1 in Connecticut since 2000?

2 THE WITNESS (Vergati): I don't know
3 the answer to that question.

4 MR. DiPENTIMA: I'm sorry?

5 THE WITNESS (Vergati): I don't know
6 the answer to that question.

7 MR. DiPENTIMA: Okay. Do you know how
8 many applications have been submitted to the
9 Siting Council that consist of two or more parcels
10 for consideration by the Siting Council?

11 THE WITNESS (Vergati): I don't know
12 the answer to that.

13 MR. DiPENTIMA: You don't have any idea
14 what the percentage might be?

15 THE WITNESS (Vergati): I don't.

16 MR. DiPENTIMA: All right.

17 THE WITNESS (Vergati): I would guess
18 it would be rather low, but I don't know the exact
19 percentage.

20 MR. DiPENTIMA: It would be rather low
21 for two or more sites?

22 THE WITNESS (Vergati): As far as
23 applications going before the Siting Council for a
24 wireless facility, I would think it would be on
25 the lower side where a carrier brings in two

1 sites, but I don't know the specific statistic for
2 that number.

3 MR. DiPENTIMA: So is it generally the
4 application is for one site?

5 THE WITNESS (Vergati): Typically an
6 application is for one site.

7 MR. DiPENTIMA: Okay. Do you know how
8 many applications have been submitted on parcels
9 of land that are less than two acres?

10 THE WITNESS (Vergati): I don't know
11 that.

12 MR. DiPENTIMA: All righty. Do you
13 know how many applications have been submitted
14 with a tower within 65 feet of a neighbor's
15 property line and the support structure within 25
16 feet of a property line?

17 THE WITNESS (Vergati): No, I do not.

18 MR. DiPENTIMA: All righty. I guess
19 you wouldn't know what the average acreage of the
20 sites that these towers have been proposed?

21 THE WITNESS (Vergati): I do not know
22 the average acreage.

23 MR. DiPENTIMA: I'm sorry?

24 THE WITNESS (Vergati): I do not know
25 the average acreage.

1 MR. DiPENTIMA: Do you have a rough
2 idea?

3 THE WITNESS (Vergati): I do not.

4 MR. DiPENTIMA: Are physical
5 inspections a normal procedure in the selection of
6 a proposed site?

7 THE WITNESS (Vergati): Can you repeat
8 the question, please?

9 MR. DiPENTIMA: I'm sorry?

10 MR. RYBAK: Repeat the question.

11 MR. DiPENTIMA: Are physical
12 inspections a normal procedure in the selection of
13 a proposed site?

14 THE WITNESS (Vergati): We look at a
15 number of items on a property in an area when
16 we're looking for an appropriate cell site, yes.

17 MR. DiPENTIMA: In your application,
18 section 2, the applicant claims that site
19 preference is given to locations that closely
20 comply with local zoning. In your estimate, does
21 Site A closely comply with the local zoning
22 regulations?

23 THE WITNESS (Vergati): I don't have
24 Kent's local wireless zoning codes, so I can't
25 answer that.

1 MR. DiPENTIMA: And what about Section
2 9600 of Kent regulations, does a 1.99 acre lot
3 comport with the 3 acre minimum under that
4 section?

5 THE WITNESS (Vergati): If they have a
6 3 acre minimum, it would not.

7 MR. DiPENTIMA: Does the tower on Site
8 A comport with the setback requirements under
9 Section 9660 of all property lines by a distance
10 of no less than 120 percent of the height of the
11 cell tower?

12 THE WITNESS (Vergati): I don't believe
13 it does.

14 MR. DiPENTIMA: All right. And do you
15 know what that actual number would be for a tower
16 in Kent, 120 percent of that?

17 THE WITNESS (Vergati): You're looking
18 for the tower setbacks to the property lines?

19 MR. DiPENTIMA: Yeah.

20 THE WITNESS (Vergati): I believe --

21 MR. DiPENTIMA: Does 175 feet sound
22 about right?

23 THE WITNESS (Vergati): If we're
24 looking at a 154 foot structure, 1.2, yes, that
25 sounds about right.

1 MR. DiPENTIMA: Thank you. Prior to
2 the execution of the June 2012 lease, did you make
3 any inquiry of Mr. Atwood, or did any member of
4 the applicants or lessee, as to areas of
5 environmental concern and contamination that we
6 have demonstrated in our interrogatories?

7 MS. CHIOCCHIO: Objection.

8 MR. SILVESTRI: Attorney DiPentima,
9 again, I'd like to hold that to the closed hearing
10 on September 3rd.

11 MR. DiPENTIMA: May I inquire then, did
12 he personally inspect Site A before entering into
13 the lease agreement with Mr. Atwood?

14 MR. SILVESTRI: I'll allow that.

15 MR. DiPENTIMA: I'm sorry?

16 MR. SILVESTRI: I'll allow that to a
17 point.

18 MR. DiPENTIMA: Thank you.

19 THE WITNESS (Vergati): Yes, I was
20 personally involved in walking the property with
21 Mr. Atwood.

22 MR. DiPENTIMA: And you walked Lot A
23 with Mr. Atwood several times?

24 THE WITNESS (Vergati): It's safe to
25 say, yes, I was out there on a number of occasions

1 with Mr. Atwood and his brother.

2 MR. DiPENTIMA: So you saw the debris
3 that we have made reference to in our photographs?

4 MR. SILVESTRI: Again, let's put that
5 one off until September 3rd. As far as walking
6 the site, looking at suitability for a cell tower,
7 et cetera, fine, but anything regarding
8 environmental site assessment let's move it to the
9 closed hearing on September 3rd.

10 MR. DiPENTIMA: All right then. Well,
11 I'm now going to refer to the All Points site
12 evaluation submitted as part of the application.
13 That's attachment 7. Would you happen to have
14 that in front of you, Mr. Vergati?

15 THE WITNESS (Vergati): I have the Bald
16 Hill Road environmental assessment, yes.

17 MR. DiPENTIMA: Yeah, that is correct.

18 THE WITNESS (Vergati): I have it for
19 both Bald Hill and for Richards Road.

20 MR. DiPENTIMA: Yes. Do you know when
21 that evaluation was performed?

22 THE WITNESS (Vergati): I don't know
23 the specific date of when it was performed.

24 MR. DiPENTIMA: Could you give me a
25 general date?

1 THE WITNESS (Vergati): A general time
2 frame when this was prepared would have been
3 around May of 2019.

4 MR. DiPENTIMA: All right. Thank you.
5 Do you know by whom this report was authored?

6 THE WITNESS (Vergati): I believe All
7 Points Technology is the author of these reports.

8 MR. DiPENTIMA: Is there an
9 individual -- there's no individual signature. Do
10 you know who it might be?

11 MR. ROSEMARK: Presiding Officer
12 Silvestri?

13 THE WITNESS (Libertine): Hi, this is
14 Mike Libertine. I'm with All Points Technology.
15 This is a summary --

16 MR. ROSEMARK: I'd like to object for a
17 moment. This is Dan Rosemark. I'd like to object
18 for a moment. Mr. Vergati keeps going in and out
19 of mute, and I see Attorney Chiocchio talking at
20 the same time, and then he's coming back onto his
21 voice, and then it's coming off of the mute. So
22 I'm just wondering, is there any
23 cross-communication occurring at that time?

24 MR. SILVESTRI: I don't have an answer
25 for you on that. I know that they are looking for

1 different papers and trying to get the right
2 witness to answer the question. Other than that,
3 I'm not sure. But I'd like to continue because I
4 think we have the proper witness here to answer
5 the questions for Attorney DiPentima.

6 MR. DiPENTIMA: You are Mr. Burns, is
7 that correct, sir?

8 THE WITNESS (Libertine): No, this is
9 Mike Libertine.

10 MR. DiPENTIMA: Libertine, all right.
11 Thank you, sir.

12 THE WITNESS (Libertine): Mr. Rosemark,
13 just if I could. You're correct, I'm handling the
14 computer. And the only reason we're doing the
15 mute is so we can get the proper documentation in
16 time. There's no coaching or, you know, side
17 conversation. It's strictly -- we can certainly
18 keep it on. We're just doing it really as a
19 courtesy to everyone. So I apologize if that is
20 creating any kind of a concern.

21 MR. ROSEMARK: I'd appreciate if you
22 could keep it on. Thank you.

23 THE WITNESS (Libertine): Certainly.

24 MR. DiPENTIMA: Mr. Libertine, do you
25 know if a site inspection was performed as part of

1 this site evaluation report?

2 THE WITNESS (Libertine): There were
3 several site inspections done on both properties
4 throughout the process of designing the site, yes.

5 MR. DiPENTIMA: Well, in reviewing the
6 document, do you see any reference to any of the
7 debris that we have made reference to in our
8 discovery?

9 MS. CHIOCCHIO: Objection.

10 MR. SILVESTRI: Again, Attorney
11 DiPentima, debris, site environmental issues, I'd
12 like to put those to September 3rd, please.

13 MR. DiPENTIMA: Mr. Chairman, I
14 understand, but I'm asking about the site
15 evaluation report, and I'm merely asking is there
16 any reference to any of that in the report.

17 THE WITNESS (Libertine): There would
18 be none. Sir, just so you understand what this
19 document is, this is a summary of environmental
20 considerations that are relevant to Site A. So we
21 talk about water quality, air quality, the
22 physical aspects of the land, noise
23 considerations, the power density that's being
24 emitted from the proposed facility, and then some
25 of the scenic, natural and historic resources.

1 So to your point, it really would not
2 be part of the submission to the Siting Council.
3 So that's all this is, just a summary of several
4 other documents that are put together as part of
5 the due diligence and then as part of --

6 MR. DiPENTIMA: It's your testimony
7 that whatever exists either on or in the soil is
8 of no relevance to the Siting Council?

9 MR. SILVESTRI: Let me interject on
10 that one again. Attorney, what I'm looking at
11 under Section 7 there of the application, I see
12 physical impact, water flow and quality, air
13 quality, land, which talks about trees, clearing
14 and disturbance. I see noise, I see power
15 density, I see scenic, natural, historic and
16 recreational values, schools and day care, and
17 essentially for both of the two sites. That's all
18 I see under that Section 7. So again, if we're
19 going to question on Section 7, I think we need to
20 limit it to the subtitles that were identified by
21 Mr. Libertine. If we want to go further as far as
22 environmental site assessment, as mentioned before
23 for Site A, I would put that off until September
24 3rd.

25 MR. DiPENTIMA: All right. Well, most

1 of my questions are directed to that, Mr.
2 Chairman, so I'm only going to continue with a few
3 more questions, and then I will save the rest of
4 my testimony for September 3rd.

5 MR. SILVESTRI: Thank you.

6 MR. DiPENTIMA: If I may have just a
7 moment, Mr. Chairman, because I have to go through
8 my notes because most of my questions are specific
9 to those particular areas.

10 MR. SILVESTRI: Yes, please do.

11 MR. DiPENTIMA: Thank you very much.
12 (Pause.) All right. Given the admonition of the
13 Chairman and the limitation of the testimony for
14 today, then I will reserve my right to ask further
15 questions concerning the contamination and the
16 phase 1 survey for September 3rd. Thank you, Mr.
17 Chairman.

18 MR. SILVESTRI: Thank you, sir. I'd
19 like to continue with cross-examination of the
20 applicants by the Town of Kent with Attorney
21 Casagrande and Attorney Rosemark, please. I see
22 both Attorney Rosemark and Attorney Casagrande.
23 So when you're ready, you can start.

24 MR. ROSEMARK: My apologies. I must
25 have been on mute. I was asking some questions

1 for retired Colonel Daniel Stebbins.

2 THE WITNESS (Stebbins): Dan Stebbins.

3 MR. ROSEMARK: Good afternoon, retired
4 colonel. I have a couple of questions for you.
5 Do you hold any official position with the First
6 Responder Network Authority?

7 THE WITNESS (Stebbins): No, I do not.

8 MR. ROSEMARK: And upon reviewing your
9 resume, sir, I did not see any technical
10 background or expertise with designing or
11 operating radio communications networks; is that
12 correct?

13 THE WITNESS (Stebbins): That's
14 correct.

15 MR. ROSEMARK: And did you draft your
16 testimony that was presented today?

17 THE WITNESS (Stebbins): Yes.

18 MR. ROSEMARK: And you indicated that
19 FirstNet operates on band 14 spectrum; is that
20 correct?

21 THE WITNESS (Stebbins): That's
22 correct.

23 MR. ROSEMARK: And is that in the upper
24 or the lower 700 megahertz?

25 THE WITNESS (Stebbins): It's actually

1 in two different sections of the 700 megahertz
2 spectrum.

3 MR. ROSEMARK: Where would that be?

4 THE WITNESS (Stebbins): I don't recall
5 the numbers off the top of my head, but it's not
6 20 points consecutive; it's two different groups
7 of 10.

8 MR. ROSEMARK: So how much total
9 bandwidth is for the FirstNet under band 14?

10 THE WITNESS (Stebbins): The dedicated
11 bandwidth under band 14 is 20 points of spectrum.

12 MR. ROSEMARK: Could you clarify what a
13 point is?

14 THE WITNESS (Stebbins): Well, a
15 spectrum is divided into 100 points, and in 700
16 there are two sections of that, two groups of 10
17 that are considered the oceanside traffic, in
18 other words, it's the best service that could
19 possibly be given to this program.

20 MR. ROSEMARK: Right. And you're
21 getting that oceanside metaphor from what came out
22 of the Digital Transition Act of 2008 when the
23 spectrum was first auctioned off; is that correct?

24 THE WITNESS (Stebbins): I don't know
25 exactly where it came from. I hear it

1 consistently throughout the -- talking about the
2 spectrum itself and how it was chosen.

3 MR. ROSEMARK: And what are some of the
4 characteristics that it was chosen for?

5 THE WITNESS (Stebbins): My
6 understanding is it has the best penetration into
7 buildings, and it is a very clear and concise
8 spectrum that is heard rather well over their
9 existing equipment.

10 MR. ROSEMARK: Okay. And if I were to
11 tell you that the lower band, which sits in the
12 upper 700 megahertz, is 758 to 768 megahertz,
13 would you agree that that's the lower part of the
14 band?

15 THE WITNESS (Stebbins): I wouldn't
16 have an opinion on that.

17 MR. ROSEMARK: And if I told you the
18 corresponding upper band of that is 788 megahertz
19 to 798 megahertz, would you agree with that?

20 THE WITNESS (Stebbins): I have no
21 opinion on that either.

22 MR. ROSEMARK: And you indicate that
23 FirstNet is the only nationwide wireless platform
24 dedicated to first responders in the public safety
25 community; is that correct?

1 THE WITNESS (Stebbins): That's my
2 understanding.

3 MR. ROSEMARK: But did you know that
4 Verizon Wireless has a first responder network
5 that has priority access as well as a separate
6 core network for first responders?

7 THE WITNESS (Stebbins): I understand
8 that's what they advertise.

9 MR. ROSEMARK: And if I told you that
10 according to the Congressional Research Service,
11 which prepares research reports for members and
12 committees of Congress, and if I said to you that
13 under that report there was a discussion about how
14 much of the public safety is on the Verizon
15 network, would you be familiar with that at all?

16 THE WITNESS (Stebbins): As to what
17 percentage it's on now for FirstNet?

18 MR. ROSEMARK: Correct -- no, on the
19 Verizon network.

20 THE WITNESS (Stebbins): I don't know
21 about the Verizon network. I wouldn't have any
22 idea what their numbers are.

23 MR. ROSEMARK: Would it surprise you if
24 I said that in that report that it was disclosed
25 that two-thirds of the public safety market is on

1 the Verizon network?

2 MS. CHIOCCHIO: Presiding Officer
3 Silvestri, I'm objecting to any questions with
4 respect to Verizon. They're not a party in this
5 proceeding or an intervenor.

6 MR. SILVESTRI: Yes. Attorney
7 Rosemark, it would be okay for me if you rephrased
8 that and maybe ask the question as to what the
9 percentage might be on the FirstNet, but again,
10 not being Verizon here and no way we could answer
11 a Verizon question, I think we need to move on
12 from that.

13 MR. ROSEMARK: Sure, no problem. Would
14 you know how much percentage of the public safety
15 network is on the FirstNet system out of the
16 entire public safety network?

17 THE WITNESS (Stebbins): I don't know
18 what that percentage is. We've been into this for
19 a few years, and it's going up all the time.

20 MR. ROSEMARK: And you mentioned that
21 the devices that are used on the FirstNet service,
22 are you familiar with the devices that are used?

23 THE WITNESS (Stebbins): I demoed
24 several of them, and I've seen lists of them,
25 which is quite lengthy, as to the type of phones

1 that are capable of working on the system.

2 MR. ROSEMARK: And would you agree with
3 me that those are rugged devices?

4 THE WITNESS (Stebbins): They can be.
5 They are not all rugged devices. You can use
6 obviously laptops and notebooks, et cetera.
7 Primarily, the first responders do buy the
8 ruggedized because of what they do.

9 MR. ROSEMARK: And is it true that the
10 power output on the public safety devices is
11 greater than the power output on the commercial
12 devices that you or I or somebody on this call
13 that is not a first responder would use?

14 THE WITNESS (Stebbins): I wouldn't
15 comment on that. It's not my area of expertise.

16 MR. ROSEMARK: Well, you testified that
17 you were asked to implement FirstNet services, so
18 what part of the implementation is that that you
19 do?

20 THE WITNESS (Stebbins): I'm primary
21 the front person that goes out and meets with the
22 emergency responders, police, fire, EMS, schools,
23 et cetera, hospitals.

24 MR. ROSEMARK: And when you talk to
25 them, you don't base that on any technical

1 experience; is that correct?

2 THE WITNESS (Stebbins): That's
3 correct.

4 MR. ROSEMARK: Thank you, colonel.
5 My next question would be for Mr.
6 Lavin. Good afternoon, sir.

7 THE WITNESS (Lavin): Good afternoon.

8 MR. ROSEMARK: When you commented about
9 the backup power for a -- (Audio interruption.)
10 Did you hear that?

11 MR. SILVESTRI: Attorney Rosemark, we
12 couldn't hear you on that one. You kind of broke
13 up. You started with backup power, and we didn't
14 hear the rest of it.

15 MR. ROSEMARK: Okay. When you have a
16 tower and you install it, if you don't install it
17 with a backup generator, how else do you provide
18 backup power to a tower?

19 THE WITNESS (Lavin): There are racks
20 of batteries installed with the power generator.
21 When the commercial power goes off, of course,
22 there's no warning and no way to get the generator
23 on instantaneously. The cell site runs off a DC
24 plant which always runs off batteries. They are
25 constantly recharged. When the commercial power

1 drops out, the batteries take over entirely.
2 After a short period the generator is started up.
3 And if the outage persists, the generator starts
4 to recharge the battery.

5 MR. ROSEMARK: Right. But if there is
6 no generator on site and you needed to bring a
7 generator on site, how would you do that?

8 THE WITNESS (Lavin): That's outside my
9 area of expertise in terms of generator delivery.

10 MR. ROSEMARK: Okay. No, I should have
11 clarified that. I apologize. So are you familiar
12 with an automatic transfer switch?

13 THE WITNESS (Lavin): Not my area of
14 expertise, but yes, I am anyway.

15 MR. ROSEMARK: All right. Maybe this
16 might be a question for Mr. Vergati then. So
17 we'll hold that for the time being, and then we'll
18 come back.

19 Now, if a tower is running on backup
20 power, it could be running but it could not be
21 processing any communications if the backhaul or
22 the fiber link was damaged or brought down; is
23 that correct?

24 THE WITNESS (Lavin): If communications
25 back to the switch are severed then it's not able

1 to communicate.

2 MR. ROSEMARK: So is it true that if
3 the fiber that would be running along the utility
4 poles to get to the tower in Kent that you're
5 proposing went down, then the tower, while it may
6 be on backup power, it would not be operating and
7 communicating to the network?

8 THE WITNESS (Lavin): If we are using
9 fiber, if there is no microwave backup, and if the
10 fiber we're using is on the utility poles and not
11 buried, yes.

12 MR. ROSEMARK: Are you planning to bury
13 in this situation?

14 THE WITNESS (Lavin): I don't put fiber
15 on poles or bury it, so it's outside my area.

16 MR. ROSEMARK: Is there anybody from
17 AT&T who handles the operations of a cell site on
18 this panel?

19 THE WITNESS (Lavin): I don't believe
20 there is, no.

21 MR. ROSEMARK: And you testified that
22 this -- (Audio interruption.)

23 MR. SILVESTRI: We lost you again,
24 Attorney Rosemark. Your screen is kind of
25 freezing.

1 MR. ROSEMARK: I apologize. Do you
2 hear me now?

3 MR. SILVESTRI: So far, yeah.

4 MR. ROSEMARK: All right. Mr. Lavin,
5 you testified that this search ring that they've
6 been on has been out since about eight years or
7 2012; is that correct?

8 THE WITNESS (Lavin): I don't remember
9 testifying to that. I think that might have been
10 Mr. Vergati.

11 MR. ROSEMARK: If I can pull up your
12 testimony -- let me, if you give me a moment, I'll
13 pull up your testimony from the July 23rd hearing.
14 Hold on.

15 THE WITNESS (Lavin): I believe that
16 date was testified to. I just don't think it was
17 me.

18 MR. ROSEMARK: Yeah, you did. Let me
19 just find that for you. Well, let me ask you this
20 way: How long has this search ring been out
21 there?

22 THE WITNESS (Lavin): Again, I think
23 Mr. Vergati could address that. He's been in
24 contact with AT&T long before RF got involved
25 so --

1 MR. ROSEMARK: Okay.

2 THE WITNESS (Lavin): Do you want to
3 transfer over to Mr. Vergati or --

4 MR. ROSEMARK: No, not at this moment.
5 Hold on, I'm finding it now. Just give me one
6 more minute. I'd like to direct you to page 126
7 of your testimony.

8 MR. SILVESTRI: Attorney Rosemark, this
9 is in the hearing transcript, correct?

10 MR. ROSEMARK: That's correct.

11 MR. SILVESTRI: Thank you.

12 THE WITNESS (Lavin): I see, yes. I
13 think I was repeating what Mr. Vergati had
14 testified to.

15 MR. ROSEMARK: Just for the record it
16 says under your statement, "This site has been in
17 the pipeline for eight years now." Is that
18 correct, sir?

19 THE WITNESS (Lavin): I believe based
20 on what Mr. Vergati's statements were it has been,
21 yes. I have not been involved for eight years.

22 MR. ROSEMARK: Then how did you come up
23 with that answer?

24 THE WITNESS (Lavin): I believe Mr.
25 Vergati testified to that.

1 MR. ROSEMARK: But it says on the
2 witness you're listed as -- do you want to change
3 or modify your statement then, sir?

4 MS. CHIOCCHIO: Objection. Mr. Lavin
5 indicated where he got that information from.

6 MR. SILVESTRI: I think you might want
7 to talk with Mr. Vergati to really get a
8 definitive answer on that.

9 MR. ROSEMARK: Thank you, Presiding
10 Officer. I'm just reviewing the testimony from
11 the witness Lavin, but that's okay.

12 Mr. Lavin, assuming for the moment that
13 the testimony was eight years and you had
14 indicated that you were looking for some other
15 sites, and I believe you said there was two
16 additional sites that were needed to complete the
17 coverage gap here in this area of town; is that
18 correct?

19 THE WITNESS (Lavin): I speculated that
20 between the site in the adjoining town of Warren,
21 I believe, and the gap that exists on Route 7,
22 that in all likelihood eventually two more sites
23 would be needed in the area.

24 MR. ROSEMARK: And that was pretty much
25 to cover your target area?

1 THE WITNESS (Lavin): The target area
2 for this is covered by the two sites we have
3 proposed. Those are other target areas.

4 MR. ROSEMARK: So you'd have a target
5 area with this particular site, and you would need
6 one or two more sites, as you testified, to
7 complete a contiguous coverage between Route 7 and
8 the Town of Warren; is that fair to say?

9 THE WITNESS (Lavin): Those were the
10 two gaps, and we were already in touch with --
11 we've already discussed the Warren site that those
12 two seemed like the two next logical steps to
13 bring greater coverage to the area.

14 MR. ROSEMARK: But in the prior eight
15 years there's been no other search rings for this
16 area?

17 THE WITNESS (Lavin): I have no idea.

18 MR. ROSEMARK: And I believe you
19 testified that to replicate this coverage with
20 small cells there would be a dozen small cells
21 required?

22 THE WITNESS (Lavin): I think I
23 probably said dozens.

24 MR. ROSEMARK: Can you quantify that in
25 a number?

1 THE WITNESS (Lavin): I haven't done
2 the analysis to figure out how many sites that are
3 much too short it would take to cover this area,
4 so I don't have any number.

5 MR. ROSEMARK: So you have not done an
6 analysis; is that correct?

7 THE WITNESS (Lavin): We did an
8 analysis along the road, certainly, and the sites
9 didn't cover very much. Given the area we cover
10 and the difficulties in doing it with utility pole
11 sites, I said dozens, and I think that's a pretty
12 good estimation of how many it would be.

13 MR. ROSEMARK: Right, but the idea is
14 to try to quantify a number. And if you said
15 you've done the analysis, can you come up with an
16 analysis that gives us a number?

17 THE WITNESS (Lavin): We haven't done
18 the analysis. There's no real point in doing
19 anymore analysis of a technology that is
20 completely inappropriate to this area. I think
21 we've demonstrated that in our reply about the
22 small cells along, as proposed by one of the
23 intervenors, along Route 341 that we don't see any
24 need to go any further with that.

25 MR. ROSEMARK: All right. I would like

1 to have a conversation with Mr. Vergati. Thank
2 you.

3 THE WITNESS (Vergati): Ray Vergati,
4 Homeland Towers.

5 MR. ROSEMARK: Good afternoon, Mr.
6 Vergati.

7 THE WITNESS (Vergati): Good afternoon,
8 Attorney Rosemark.

9 MR. ROSEMARK: For a shelter spec
10 that's been proposed, is there a switch or a
11 junction box that would allow the generator to
12 connect to the building, the 6 by 6 walk-in
13 cabinet?

14 THE WITNESS (Vergati): I don't believe
15 so.

16 MR. ROSEMARK: So how does the
17 generator connect to the building to power it in
18 the event of a failure?

19 THE WITNESS (Vergati): That's a
20 question I'll have my -- APT respond to.

21 MR. ROSEMARK: Why don't we have that
22 person then. That might be a better person here.

23 MS. CHIOCCHIO: We'll ask Mr. Burns to
24 respond to that question.

25 THE WITNESS (Burns): Robert Burns, All

1 Point Technologies.

2 MR. ROSEMARK: Good afternoon, sir.
3 Just a quick question before we get started. Did
4 you sign off on these drawings that were submitted
5 as part of the application?

6 THE WITNESS (Burns): Yes.

7 MR. ROSEMARK: The version I have is
8 not signed copies that you've provided in your
9 application.

10 THE WITNESS (Burns): Well, we
11 certainly can provide them to you.

12 MR. ROSEMARK: Thank you. I'm looking
13 at the utility backboard frame detail of either
14 site, and I'm just curious to see how the
15 generator connects to the building to power
16 through the DC cabinets.

17 THE WITNESS (Burns): The generator
18 is -- the backup to the radio equipment is through
19 batteries that are within the cabinet. The
20 generator --

21 MR. ROSEMARK: The batteries are backed
22 up to the generator?

23 THE WITNESS (Burns): Excuse me?

24 MR. ROSEMARK: The batteries then are
25 connected to the generator?

1 THE WITNESS (Burns): Yes, the
2 generator works like a battery charger.

3 MR. ROSEMARK: And is there a switch in
4 between called something that's industry known as
5 an automatic transfer switch?

6 THE WITNESS (Burns): I believe so,
7 yes.

8 MR. ROSEMARK: And do you know where
9 that is located on any of the specs that you
10 provided?

11 THE WITNESS (Burns): I believe the
12 automatic transfer switch, if it's not built
13 directly into the generator, is within the walk-in
14 cabinet.

15 MR. ROSEMARK: So the power would come
16 into the 6 by 6 walk-in cabinet, and then there
17 would be a transfer switch situated on a wall or
18 somewhere that it would sense or detect a power
19 outage that would allow the generator to kick on
20 while the batteries were doing their thing in that
21 intermittent period of time; is that right?

22 THE WITNESS (Burns): That's my
23 understanding, yes.

24 MR. ROSEMARK: Could you have an
25 automatic transfer switch or something akin to

1 that located on a small cell as a small junction
2 box?

3 THE WITNESS (Burns): I'm not familiar
4 with that, no.

5 MR. ROSEMARK: Is anybody on the AT&T
6 panel here today able to speak to that?

7 THE WITNESS (Burns): Looking around, I
8 would say no.

9 MR. ROSEMARK: Do you know if the plan
10 is to bring in existing fiber over the current
11 utility poles to this site?

12 THE WITNESS (Burns): Until we go to
13 construction, the construction manager has not
14 walked the site with the telephone company. They
15 will not walk it with us until a building permit
16 is pulled. At that point we will determine
17 whether fiber is needed. If fiber is needed, it
18 will be underground from wherever the demarc is to
19 the site in more than likely the same trench as
20 the electrical service.

21 MR. ROSEMARK: Correct. But is it fair
22 to say that the fiber in the Town of Kent is on
23 the utility poles?

24 THE WITNESS (Burns): I wouldn't know.
25 My guess would be more than likely, but I don't

1 know offhand where fiber is or even if it is
2 available in this area, and, if not, they may
3 decide to go with a microwave dish instead.

4 MR. ROSEMARK: Okay. But the microwave
5 dish is not proposed, as earlier testified; is
6 that correct?

7 THE WITNESS (Burns): The microwave
8 dish is not shown on these drawings currently, but
9 the tower can be designed to accommodate it.

10 MR. ROSEMARK: Okay. Thank you.

11 THE WITNESS (Burns): No. Thank you.

12 MR. ROSEMARK: Mr. Vergati?

13 THE WITNESS (Vergati): Ray Vergati,
14 Homeland Towers.

15 MR. ROSEMARK: Mr. Lavin said that you
16 told him that the search ring has been out for
17 eight years; is that correct?

18 THE WITNESS (Vergati): I don't have
19 any knowledge of the search ring being out for
20 eight years. We started, Homeland Towers started
21 working this area in basically 2012. That's where
22 the eight years most likely comes from.

23 MR. ROSEMARK: It comes from -- but
24 somebody testified that it's been in the pipeline
25 for eight years now. Is that your statement?

1 THE WITNESS (Vergati): I don't know
2 whose statement that is. If I said the site has
3 been in the pipeline for eight years, that would
4 basically mean we've had a lease that we've been
5 marketing for eight years and actively working.

6 MR. ROSEMARK: But that would not
7 necessarily be a search ring has been issued by
8 AT&T for that?

9 THE WITNESS (Vergati): I can't speak
10 to the search ring.

11 MR. ROSEMARK: Is there someone on the
12 panel that can speak to the search ring on the
13 panel today?

14 THE WITNESS (Vergati): I don't believe
15 so.

16 MR. ROSEMARK: So we don't know when
17 this was originally issued; is that correct?

18 THE WITNESS (Vergati): I don't know
19 when the initial search ring for AT&T was
20 initiated.

21 MR. ROSEMARK: Okay. I have no further
22 questions.

23 MR. SILVESTRI: Attorney Rosemark,
24 you're all set?

25 MR. ROSEMARK: Yes, sir, for the time

1 being, yes.

2 MR. SILVESTRI: Very good. Thank you.

3 Ladies and gentlemen, right now I have
4 left for the rest of the afternoon which would be
5 the appearance by the grouped intervenors and CEPA
6 intervenors, Planned Development Alliance of
7 Northwest Connecticut, Inc., Spectacle Ridge
8 Association and the South Spectacle Lakeside
9 Residents. What I'd like to do at this point is
10 take a 15 minute break. I have 3:15 now. We'll
11 resume at 3:30 with the appearance by the grouped
12 intervenors and CEPA intervenors.

13 Be aware when you do disconnect, some
14 people had a hard time getting back in on previous
15 Zooms that I've been on. So you might want to
16 just mute your computer and maybe take your Zoom
17 off of video, and that might be a better way to
18 connect. So we'll see you in about 15 minutes.
19 Thank you.

20 (Whereupon, a recess was taken from
21 3:16 p.m. until 3:30 p.m.)

22 MR. SILVESTRI: Good afternoon again,
23 ladies and gentlemen. Before we get started, I
24 want to make sure we have our applicant and
25 parties and intervenors. I do see Attorney

1 Chiocchio. I do see Attorney Ainsworth.

2 Do we have Attorney DiPentima and
3 Attorney Rybak back?

4 MR. DiPENTIMA: We do, Mr. Chairman.

5 MR. RYBAK: We're here, yes.

6 MR. SILVESTRI: Great, super. And do
7 we have Attorney Casagrande and Attorney Rosemark
8 back?

9 MR. CASAGRANDE: Here, Mr. Chairman.
10 Dan is here too.

11 MR. SILVESTRI: Super. Again, I'd like
12 to continue with the appearance by the grouped
13 intervenors and CEPA intervenors which is the
14 Planned Development Alliance of Northwest
15 Connecticut, Inc., which I'll refer to as PDA; the
16 Spectacle Ridge Association, Inc., which I'll
17 refer to as SRA; and the South Spectacle Lakeside
18 Residents, which I'll refer to as Lakeside.

19 And Attorney Ainsworth, are you ready
20 to present your witness panel for the purposes of
21 taking the oath? And you're on mute. There you
22 go.

23 MR. AINSWORTH: There we go. It took
24 me a second. I had to switch screens. Yes,
25 actually I am. So I can present the panel. It's

1 going to be a joint presentation for all three
2 intervenors.

3 So the first thing I'd like to do is
4 establish that we have four administrative notice
5 items under program designation III-A-1 through 4.
6 That's administrative notice of two dockets,
7 Dockets 347 and 355 of the Siting Council; an
8 administrative notice of the Public Act 109-338,
9 which is the National Heritage Area Act; and
10 number 4 being the Upper Housatonic Valley
11 National Management Plan for the designation of
12 the area of Kent.

13 And then I have with me today several
14 witnesses. The witnesses are Connie Manes who is
15 of the Kent Land Trust. And I have Paul Elconin
16 of the Northwest Connecticut Land Conservancy who
17 is, I believe, appearing by telephone. Matthew
18 Sippel of the Spectacle Ridge Association, or SRA.
19 Marleen Donnenfeld of the South Spectacle Lake
20 Residents, SSLR. And for PDA itself, Todd Powell
21 of Planned Development Alliance of Northwest
22 Connecticut. And David Maxson from Isotrope.

23 Now, I'll tell all my witnesses to
24 unmute yourselves so that you can respond to the
25 following questions.

1 MR. SILVESTRI: Before you go there,
2 I'd like to turn to Attorney Bachman to administer
3 the oath.

4 MR. AINSWORTH: Thank you.

5 MR. SILVESTRI: Attorney Bachman.

6 MS. BACHMAN: Thank you, Mr. Silvestri.
7 Would the witnesses please raise their right hand?

8 C O N N I E A. M A N E S,

9 P A U L E L C O N I N,

10 M A T T H E W J. S I P P E L,

11 M A R L E E N D O N N E N F E L D,

12 R O B E R T P O W E L L,

13 D A V I D M A X S O N,

14 called as witnesses, being first duly sworn
15 (remotely) by Ms. Bachman, were examined and
16 testified on their oaths as follows:

17 MS. BACHMAN: Thank you.

18 MR. SILVESTRI: Thank you, Attorney
19 Bachman.

20 Attorney Ainsworth, you could continue.

21 MR. AINSWORTH: Thank you, sir.

22 DIRECT EXAMINATION

23 MR. AINSWORTH: Okay. Addressing to
24 each of you, each of you have been duly sworn
25 under oath when submitting documents which bear

1 your name. Is the documents that were submitted
2 bearing your name true and accurate to the best of
3 your knowledge and belief? And I'll ask you each
4 to respond individually. Connie Manes.

5 THE WITNESS (Manes): Yes.

6 MR. AINSWORTH: Paul Elconin.

7 THE WITNESS (Elconin): (No response.)

8 MR. AINSWORTH: Mr. Elconin, are you
9 muted or -- I'm not hearing you. We'll have to
10 come back to him.

11 Matthew Sippel.

12 THE WITNESS (Sippel): Yes.

13 MR. AINSWORTH: Marleen Donnenfeld.

14 THE WITNESS (Donnenfeld): Yes.

15 MR. AINSWORTH: Thank you. Todd
16 Powell.

17 THE WITNESS (Powell): Yes.

18 MR. AINSWORTH: And David Maxson.

19 THE WITNESS (Maxson): Yes.

20 MR. AINSWORTH: Thank you. And do any
21 of you have deletions, additions or corrections to
22 the testimony or documents that are bearing your
23 name? And again, Connie Manes.

24 THE WITNESS (Manes): No.

25 MR. AINSWORTH: Paul Elconin.

1 THE WITNESS (Elconin): Can you hear me
2 now?

3 MR. AINSWORTH: I can hear you now.

4 THE WITNESS (Elconin): Okay, great.
5 So I have no changes.

6 MR. AINSWORTH: Okay. And did you, at
7 my request, prepare the documents that bear your
8 name which were submitted as prefile testimony?

9 THE WITNESS (Elconin): Yes, I did.

10 MR. AINSWORTH: And Mr. Sippel, do you
11 have any deletions, corrections or additions?

12 THE WITNESS (Sippel): No changes.

13 MR. AINSWORTH: And Mr. Powell.

14 THE WITNESS (Powell): No.

15 MR. AINSWORTH: And Mr. Maxson, do you
16 have any deletions, additions or corrections?

17 THE WITNESS (Maxson): No.

18 MR. AINSWORTH: And as a result, do all
19 of you adopt the documents bearing your name as
20 your testimony before this Council to be submitted
21 for cross-examination? Connie.

22 THE WITNESS (Manes): Yes.

23 MR. AINSWORTH: Paul.

24 THE WITNESS (Elconin): Yes.

25 MR. AINSWORTH: Matt.

1 THE WITNESS (Sippel): Yes.

2 MR. AINSWORTH: Marleen.

3 THE WITNESS (Donnenfeld): Yes.

4 MR. AINSWORTH: Todd.

5 THE WITNESS (Powell): Yes.

6 MR. AINSWORTH: And David.

7 THE WITNESS (Maxson): Yes.

8 MR. AINSWORTH: With that, we submit
9 the panel for cross-examination.

10 MR. SILVESTRI: Thank you, Attorney
11 Ainsworth.

12 Does any party or intervenor object to
13 the admission of PDA, SRA and Lakeside exhibits,
14 starting with Attorney Chiocchio?

15 MS. CHIOCCHIO: Yes, Presiding Officer,
16 we object to Exhibit Number 3, prefile testimony
17 of Robert Powell with attachments. We
18 specifically object to the attachments which
19 include photos of a balloon float that was
20 conducted by the intervenor or the party for lack
21 of foundation. There was no information with
22 respect to the location of the balloons that were
23 floated, how far they were from the sites, or any
24 verification of the photos that were taken, how
25 far they were from the different locations.

1 MR. SILVESTRI: I appreciate your
2 comments. I just want to double check with
3 Attorney Bachman to see if she had anything to
4 offer.

5 MS. BACHMAN: Thank you, Mr. Silvestri.
6 It appears that Mr. Powell is sworn and ready for
7 cross-examination. So certainly any party or
8 intervenor could question any of the attachments
9 to his prefile testimony today. Thank you.

10 MR. SILVESTRI: Thank you, Attorney
11 Bachman.

12 Attorney Chiocchio, I'd like to keep
13 that in. And again, you would have your
14 opportunity to pose whatever questions that you
15 might have towards him when the appropriate time
16 comes.

17 MS. CHIOCCHIO: Thank you.

18 MR. SILVESTRI: Thank you. Any other
19 issues or objections, Attorney Chiocchio?

20 MS. CHIOCCHIO: (No response.)

21 MR. SILVESTRI: Thank you. Attorney
22 DiPentima and Attorney Rybak, any objections?

23 MR. DiPENTIMA: No objections, Mr.
24 Chairman.

25 MR. SILVESTRI: Thank you. And

1 Attorney Casagrande and Attorney Rosemark, any
2 objections?

3 MR. CASAGRANDE: No objections.

4 MR. SILVESTRI: Thank you also.

5 Accordingly, the exhibits are admitted. Again,
6 thank you, Attorney Ainsworth.

7 (PDA Administrative Notice Items
8 III-A-1 through III-A-4: Received in evidence.)

9 (PDA Exhibits III-B-1 through III-B-8:
10 Received in evidence - described in index.)

11 (SRA Exhibits VI-B-1 and VI-B-2:
12 Received in evidence - described in index.)

13 (Lakeside Exhibits VII-B-1 and VII-B-2:
14 Received in evidence - described in index.)

15 MR. SILVESTRI: We will now begin with
16 cross-examination of PDA, SRA and Lakeside by the
17 Council starting with Mr. Mercier.

18 CROSS-EXAMINATION

19 MR. MERCIER: Thank you. I did have
20 some questions regarding Mr. Powell's submission,
21 especially the photographs. So yes, I did want to
22 ask questions about the balloon fly that was
23 conducted. Mr. Powell, when was -- okay, there's
24 nine photographs that were submitted as part of
25 your prefile testimony, and there was a balloon

1 fly, obviously. What date was that balloon fly,
2 when did that occur?

3 THE WITNESS (Powell): On July the 4th.

4 MR. MERCIER: At approximately what
5 time?

6 THE WITNESS (Powell): We put them up
7 at about 11 o'clock in the morning.

8 MR. MERCIER: Were they just for the
9 duration of taking photographs, or were they all
10 day?

11 THE WITNESS (Powell): They were up
12 from 11 to probably 5ish.

13 MR. MERCIER: Okay. Now, did you
14 perform the balloon fly or was it with a company
15 or --

16 THE WITNESS (Powell): No, it was just,
17 you know, normally, as you know, the Council would
18 have done its own balloon float and we could have
19 all seen exactly the sites that are proposed and
20 the exact heights, but because of that, because
21 the Council can't do it and because the folks that
22 are owning the sites won't let us go on their
23 property, we did the balloon floats from as close
24 as possible to the sites, and we adjusted it for
25 altitude given the elevation change between, you

1 know, our belief about where the actual site is
2 versus where we floated them from.

3 MR. MERCIER: Okay. So you did two
4 balloons, one for each site, correct?

5 THE WITNESS (Powell): Yes.

6 MR. MERCIER: So for the Site A
7 location, the Bald Hill, where did you fly that
8 balloon?

9 THE WITNESS (Powell): So we flew that
10 from Peter's property to about -- I can supplement
11 with the exact details, if that's important, but
12 it was roughly, I would say, 100 feet from his --
13 the property line that he has that borders the
14 site directly, I guess, directly east of that, I
15 think it would be. And then we adjusted it, I
16 think, for about 22 feet of elevation change. And
17 then we measured that with a golf range finder to
18 the bottom of the balloon, and you should see in
19 the photo that the little balloon sits on top of
20 our, you know, our efforts at putting in a
21 simulated tower. But I can send you those exact
22 numbers. I'm out of town this week so I don't
23 have those details with me. I didn't think to
24 bring them.

25 MR. MERCIER: Perhaps that could be a

1 Late-File as to the exact location on like a map
2 or something.

3 THE WITNESS (Powell): Absolutely.

4 MR. SILVESTRI: A question for you.
5 When you mentioned "Peter's property," could you
6 be more specific as to what Peter's property is?

7 THE WITNESS (Powell): I don't know,
8 Tony, can you help me with Peter's last name?

9 MR. DiPENTIMA: Fitzpatrick.

10 THE WITNESS (Powell): Peter
11 Fitzpatrick.

12 MR. SILVESTRI: What I was looking more
13 for was address.

14 MR. DiPENTIMA: 15 Bald Hill Road,
15 Mr. Chairman.

16 MR. SILVESTRI: Thank you. And as far
17 as a filing, because we are going to, again,
18 resume on September 3rd, you do have time to get
19 that information to Mr. Mercier and the rest of
20 the applicant, party and intervenors. Thank you.

21 THE WITNESS (Powell): Apologies for
22 not having the details handy.

23 MR. MERCIER: Okay. Once I get the
24 details of the site specifics, how you measured it
25 out and the exact elevations, things of that

1 nature, that would be good. I just have a couple
2 questions regarding the photographs themselves, so
3 I'll just put through the actual photographs.

4 Actually, my only question I really
5 have has to do with photograph number 9, that's
6 photograph G, Waramaug Lake balloon photograph.
7 Where was that actual photograph taken?

8 THE WITNESS (Powell): Is there anybody
9 that can actually put that up on the screen for me
10 to see? I don't have the photo with me.

11 MR. AINSWORTH: I can email that to
12 you.

13 THE WITNESS (Powell): So I'm just
14 waiting for that.

15 MR. MERCIER: Okay. It basically just
16 said it was taken from Lake Waramaug, and I'm just
17 trying to get a sense as to where on Lake
18 Waramaug.

19 THE WITNESS (Powell): Once I get it,
20 I'll answer it. I won't speculate. I'll wait
21 until it comes through the --

22 MR. MERCIER: Okay. I'll come back to
23 that. And again, the other photographs, I can get
24 a map from you that just shows the locations.
25 This photograph I just had a specific question on.

1 And I'll move on.

2 THE WITNESS (Powell): Okay. So I got
3 the photo now. So that photo is taken from the --
4 I can't think of the name of the road. It's
5 Tanner.

6 MR. MERCIER: So would this road be
7 over two miles away?

8 THE WITNESS (Powell): As the crow
9 flies, I don't think so, but, again, I can --

10 MR. MERCIER: Okay. Well, was it taken
11 on a zoom I guess is my question. Was it zoomed
12 in off some type of camera?

13 THE WITNESS (Powell): It was zoomed,
14 yes.

15 MR. MERCIER: Okay. So it's not
16 actually a photo of what someone might see with an
17 expansive backdrop or something of that nature, so
18 it's extremely zoomed in, would you agree?

19 THE WITNESS (Powell): I can send you
20 the detail of what zoom was used. We tried to use
21 the zooms. Our consultant told us what zoom to
22 use.

23 MR. MERCIER: Why did you use the zoom,
24 I guess, why not just take a picture of what was
25 there?

1 THE WITNESS (Powell): Well, he said
2 that, depending on the different zooms that you
3 use, it better approximates the actual visual
4 impact. Unfortunately, we're not pros at this.
5 But I'm happy to give you the detail behind it,
6 not trying to, you know, do anything tricky or
7 fancy, just --

8 MR. MERCIER: All right. Thank you.
9 We'll just come back to these, if needed. I'll
10 get the map and all the information at the
11 Late-File.

12 THE WITNESS (Powell): Yes. Sorry
13 about that.

14 MR. SILVESTRI: Anything else, Mr.
15 Mercier?

16 MR. MERCIER: Yes. I had a couple
17 questions for Mr. Maxson. Hold on for a second.

18 MR. SILVESTRI: Again, going back to
19 the pictures, because there's a question about the
20 zoom for that particular location that Mr. Mercier
21 just discussed, any other information for the
22 other locations regarding zoom or no zoom and
23 locations and map would be beneficial to all
24 involved. So I'll ask that you include that
25 information as well.

1 THE WITNESS (Powell): Absolutely.
2 We'll give you all the details.

3 MR. SILVESTRI: Thank you. Mr.
4 Mercier, please continue.

5 MR. MERCIER: Yes. Thank you. Mr.
6 Maxson, I have just a couple questions regarding
7 your Isotrope report. Now, in the beginning of
8 the report you had a number of points. Starting
9 on page 3, there was point number 1 which
10 basically said the proposed tower site on Bald
11 Hill appears to be the result of real estate
12 speculation. So I'm just trying to figure out
13 what you meant by that. Are you saying that the
14 physical location is not really needed by a
15 telecom carrier, or do you mean something else?

16 THE WITNESS (Maxson): What I'm saying
17 is that the normal process for siting cell towers
18 is that a wireless company establishes a search
19 ring, and they engage a contractor to find a site
20 within the search ring. This property, just based
21 on the record, appears to have been purchased
22 because it was high ground, and with the
23 possibility that at some point a carrier might
24 come up with a search ring near this hill,
25 Homeland did this, and has done this in other

1 towns as well in Ridgefield, for instance. So
2 it's a kind of chicken and egg question as to
3 whether the property was acquired because it's
4 high ground and then a carrier was found to be the
5 tenant, or whether the carrier came out and said
6 we need a site in this area, please look for one.

7 MR. MERCIER: Okay. But, I mean, AT&T
8 has committed to going on the tower, correct?

9 THE WITNESS (Maxson): Yes. So the
10 thing is --

11 MR. MERCIER: Thank you.

12 THE WITNESS (Maxson): Okay.

13 MR. MERCIER: Also, have you looked at
14 Homeland Towers' search history for this
15 particular area along Route 341? It was in the
16 application in attachment 2. Did you review that?

17 THE WITNESS (Maxson): Was that a
18 search history? My recollection is it was a list
19 of alternatives that were proposed.

20 MR. MERCIER: Yes, there was a tower
21 search history performed by Homeland Towers where
22 they looked at numerous properties. I'm just
23 curious if you looked at that.

24 THE WITNESS (Maxson): I do recall
25 reviewing it. I don't remember any details of it,

1 but yeah.

2 MR. MERCIER: So they did look at 25
3 other properties. Do you think that's sufficient
4 examining in this area to try to find a parcel of
5 land that would be suitable for a telecom carrier
6 as opposed to, say, one parcel of land?

7 THE WITNESS (Maxson): It's all a
8 question of sequence. When did they look for
9 those properties? Had they already identified
10 this summit location as the primary target and was
11 this just follow-on due diligence rather than part
12 of a search process that was instigated by AT&T
13 having a search ring?

14 MR. MERCIER: Okay. Moving on to point
15 number 5 in your prefile testimony on page 3.
16 Basically you state that the town emergency
17 responders don't really need this site; is that
18 correct?

19 THE WITNESS (Maxson): That's correct.
20 The information that I have from talking with
21 folks in the town is that there are no specific
22 plans to improve radio communications for their
23 two-way radio systems with either of these
24 proposed towers.

25 MR. MERCIER: Who did you talk to?

1 THE WITNESS (Maxson): Well, I spoke
2 with the selectman at one point and with a
3 representative of the volunteer fire department at
4 another point. I can get the names, but I don't
5 recall them off the top of my head.

6 MR. MERCIER: That's good. Thank you.
7 So they indicated to you the site is not really
8 needed, they're just going to locate on here in
9 the future, is that what you're stating?

10 THE WITNESS (Maxson): Yeah, I'm not
11 even sure that they are planning to locate in the
12 future. I was looking for some engineering
13 information about the land mobile radio coverage
14 in the area, the public safety two-way radio
15 coverage, and it was pretty clear to me that the
16 folks that I was speaking with didn't have any
17 data that would suggest that they had developed a
18 plan for improving radio communications in Kent.

19 MR. MERCIER: So when you say
20 "improving," is it currently deficient?

21 THE WITNESS (Maxson): I don't know. I
22 have no data.

23 MR. MERCIER: All right. Thank you.
24 When did you speak with the selectman?

25 THE WITNESS (Maxson): A couple months

1 ago. I'm not recalling exactly.

2 MR. MERCIER: Thank you. And I'm
3 sorry, did you say you discussed this with the
4 Kent Volunteer Fire Department as the other
5 representative? I forget what entity that was.

6 THE WITNESS (Maxson): Yes, that was.

7 MR. MERCIER: Thank you. Now, reading
8 through your small cell hypothetical solution here
9 on your prefile testimony about the 7 nodes, were
10 those node locations selected on your diagram
11 that's attached, are those locations actually
12 utility pole locations? You have a name like --

13 THE WITNESS (Maxson): I apologize. I
14 just drew a blank. The locations were selected
15 along the road, and I did not go to the trouble of
16 selecting pole locations, at least for most of the
17 sites, because they're on a road that has
18 primaries on top of the poles. So it would
19 require placing the pole across the road if the
20 primaries prevent them from using the top of a
21 pole on the wired side of the road.

22 MR. MERCIER: Okay. So I understand,
23 these would be 7 new, brand new poles across from
24 electric poles that have primary wires?

25 THE WITNESS (Maxson): Potentially.

1 Recall this is a hypothetical that's based on --

2 MR. MERCIER: At the worst case, I
3 guess.

4 THE WITNESS (Maxson): Yeah, that's the
5 worst case. But there could be, and there are, a
6 number of poles along the roads that don't have
7 primaries that could be utilized for this purpose.
8 And this particular arrangement is not a design.
9 This is a conceptual verification of what you can
10 do with a system.

11 MR. MERCIER: Understood. Just out of
12 curiosity, why did you select 50 feet rather than
13 say 60 or 40?

14 THE WITNESS (Maxson): 50 feet is the
15 magic number with the Federal Communications
16 Commission. They have enabled wireless companies
17 to install small cells almost without any material
18 regulation up to 50 feet above ground.

19 MR. MERCIER: And that would be an
20 existing right-of-way, road right-of-way?

21 THE WITNESS (Maxson): Right.

22 MR. MERCIER: Okay. This came up
23 earlier. Just out of curiosity for the small
24 cells, have you seen any battery packs mounted on
25 small cell units?

1 THE WITNESS (Maxson): Yes, I have.
2 And I would include with this the first version of
3 small cells were distributed antenna systems, and
4 I have seen systems that have battery backup with
5 them, yes.

6 MR. MERCIER: So would that be all --
7 say for this system you would anticipate battery
8 backups for all the nodes, or is it just like one
9 larger battery that feeds the nodes? How would
10 that work?

11 THE WITNESS (Maxson): Yeah, the
12 general approach is to put battery backup at the
13 node, and sometimes even to put a generator like a
14 fuel cell, a hydrogen fuel cell, as a power
15 backup. And since they consume relatively little
16 power compared to a cell site, you don't need a
17 massive generator to back them up.

18 MR. MERCER: Where would the fuel cell
19 be located?

20 THE WITNESS (Maxson): These things
21 come in very compact packages. It could be
22 mounted right on the pole. The FCC allows up to
23 28 cubic feet of equipment to be mounted on a pole
24 or beside the pole with a small cell.

25 MR. MERCIER: When you say "beside the

1 pole," you mean on the ground?

2 THE WITNESS (Maxson): Yes.

3 MR. MERCIER: For the battery system we
4 just talked about earlier, not the fuel cell
5 itself, but how big are these units typically in
6 your experience, these pole mounted batteries,
7 dimension wise?

8 THE WITNESS (Maxson): They might be
9 similar to the dimensions of the electronics
10 themselves. They might occupy several cubic feet
11 depending on how long they want the batteries to
12 last.

13 MR. MERCIER: I was going to ask you
14 what's the maximum that you've seen in your
15 experience, maximum run time for a small battery?

16 THE WITNESS (Maxson): They tend to be
17 pretty small, and they typically target 4 to 8
18 hours depending on the design. And that can give
19 them sufficient time, if they have equipped it
20 with a socket, to bring in one of those, you know,
21 portable Honda generators and power it up.

22 MR. MERCIER: For the battery systems
23 you've seen, what area of the state has them, or
24 where have you seen that system where there's
25 batteries mounted to the small cell units?

1 THE WITNESS (Maxson): My recollection
2 is the first that I saw, I think, was in
3 Alexandria, Virginia about a dozen years ago.

4 MR. MERCIER: Do you know of any in
5 this state?

6 THE WITNESS (Maxson): I don't know of
7 any in Connecticut, no.

8 MR. MERCIER: Have you seen any type of
9 small cell arrangement that you hypothetically
10 designed utilized here in Connecticut for hilly
11 terrain such as Kent?

12 THE WITNESS (Maxson): I have not.

13 MR. MERCIER: Have you seen them, I
14 guess, in the Berkshires for hilly terrain?

15 THE WITNESS (Maxson): I haven't spent
16 really any time in the Berkshires to have seen any
17 but --

18 MR. MERCIER: Well, do you know of any,
19 I guess is the question, in Massachusetts, say, in
20 more mountainous hilly terrain?

21 THE WITNESS (Maxson): I don't know of
22 any, that's correct.

23 MR. MERCIER: Have you ever designed
24 one of these systems yourself for any mountainous
25 or hilly terrain that is actually utilized?

1 THE WITNESS (Maxson): I have not. I
2 do not design systems like this for wireless
3 companies. I design other kinds of wireless
4 communication systems.

5 MR. MERCIER: I just have a quick
6 question on page 8 of your report. I think it
7 said computer models account for the average
8 impact of foliage on the 700 megahertz propagation
9 that you used. Am I reading that correctly?

10 THE WITNESS (Maxson): Yes.

11 MR. MERCIER: So what do you mean by
12 average impact by foliage?

13 THE WITNESS (Maxson): Well, the way,
14 in geographic information systems there are layers
15 basically of data on the map, and one layer of
16 data is called the clutter layer. And depending
17 on the resolution of that clutter layer, it
18 doesn't know where every tree and every shrub is,
19 and oftentimes a clutter layer does not know
20 exactly where the buildings are, so it just
21 characterizes an area. It might be several acres
22 or it might be a much larger area depending on the
23 database for a particular characteristic. So when
24 we talk about the average, what we're saying is
25 that for an area that's marked as deciduous wooded

1 area in New England that it would be assigned a
2 particular factor for clutter attenuation. So
3 that's where that word average comes from.

4 MR. MERCIER: Okay. Is there a manual
5 input if the foliage is denser?

6 THE WITNESS (Maxson): The whole role
7 of clutter layers is to estimate on the average
8 what the impact on the signal is. So at this
9 location at the end of someone's driveway the
10 signal might be stronger than predicted, and at
11 the other end of the driveway it might not be
12 quite as strong as predicted, but on the average
13 the datapoints in that treed area would be within
14 the target of the design -- of the model.

15 MR. MERCIER: Thank you.

16 THE WITNESS (Maxson): Thank you.

17 MR. MERCIER: Just going back to that
18 average, so the computer model is averaging it for
19 you; is that correct?

20 THE WITNESS (Maxson): What the
21 computer model is doing is looking on a look-up
22 table as to what the standard loss factor for that
23 type of clutter is. And the Telecommunications
24 Industry Association has a technical service
25 bulletin, TSB-88, that has standard loss factors

1 for conventional clutter types.

2 MR. MERCIER: Okay. Understood. I
3 think I have a question now for the South
4 Spectacle Lake Residents. I believe it's -- is it
5 Donnenfeld?

6 MR. AINSWORTH: That would be Marleen
7 Donnenfeld, yes.

8 THE WITNESS (Donnenfeld): I'm
9 unmuting. Okay.

10 MR. MERCIER: In your prefile testimony
11 I just saw a sentence that says, We have attached
12 photographs of the balloon float test showing the
13 difference in viewshed impact of the different
14 tower heights. Now, are you referring to
15 Mr. Powell's balloon fly, or is it something else
16 that you have?

17 THE WITNESS (Donnenfeld): Oh, no,
18 that's Mr. Powell's.

19 MR. MERCIER: Okay. I just wanted to
20 get a clarification of that. Thank you.

21 A quick question for Mr. Sippel of the
22 Spectacle Ridge Association.

23 THE WITNESS (Sippel): Yes, sir.

24 MR. MERCIER: I saw in the prefile that
25 said you were 22 property owners in Kent around

1 Spectacle Lake. It didn't say which one. Is
2 Spectacle Ridge south of South Spectacle Pond or
3 is it encompassing another area?

4 THE WITNESS (Sippel): Yes, it is South
5 Spectacle Pond.

6 MR. MERCIER: Okay. So the ridge is on
7 the south side of the lake?

8 THE WITNESS (Sippel): That's correct.

9 MR. MERCIER: Okay. Thank you. I just
10 wanted to get the location down.

11 Thank you. I have no other questions
12 at this time.

13 MR. SILVESTRI: Thank you, Mr. Mercier.

14 I'd like to continue cross-examination
15 with Mr. Morissette.

16 MR. MORISSETTE: Thank you, Mr.
17 Silvestri.

18 Let's start with Mr. Powell and the
19 balloon floats in the pictures. Mr. Powell, how
20 is the height of the balloons determined and how
21 did you adjust accordingly for the proper height?

22 THE WITNESS (Powell): So we adjusted
23 based on in one point the actual estimated GPS
24 coordinates and in the other one just really by
25 kind of having somebody stand -- so for Site A, we

1 did it based on kind of approximate GPS
2 coordinates, but the other site we did it
3 basically just by having somebody stand parallel
4 to the other site but not on the site because we
5 couldn't trespass and, you know, basically kind of
6 guesstimating. And then as far as kind of
7 measuring the height, we used a golf range finder
8 to shoot the bottom of the balloon.

9 MR. MORISSETTE: Okay. And I just
10 heard someone testimony that there were different
11 balloon heights. Is that because of the two sites
12 that are being referred to, or was it both sites
13 having the predetermined balloon heights?

14 THE WITNESS (Powell): There was just
15 one height at the two different sites.

16 MR. MORISSETTE: So the golf range
17 actually kind of keyed that in for you?

18 THE WITNESS (Powell): Yes.

19 MR. MORISSETTE: All right. Thank you.
20 That was helpful.

21 My next questions are for Ms. Manes.

22 THE WITNESS (Manes): Yes.

23 MR. MORISSETTE: Now, the Bald Hill
24 site, my understanding is that it is not in the
25 Horonline Conservation District; is that

1 correct?

2 THE WITNESS (Manes): Are you asking me
3 questions in the context of my role with the Kent
4 Conservation Commission, because I believe I'm
5 scheduled to appear for the Town of Kent on
6 September 3rd. I'm appearing now in my role as
7 the executive director of the Kent Land Trust.

8 MR. MORISSETTE: Okay. So this
9 question would be more in line for when you
10 testify for the conservation district.

11 THE WITNESS (Manes): Thank you.

12 MR. MORISSETTE: Okay, we'll put that
13 off till then. Thank you.

14 Okay. If I could move on to Mr. Maxson
15 relating to the small cell.

16 THE WITNESS (Maxson): Yes.

17 MR. MORISSETTE: Now, a small cell
18 requires a base tower to hand off to. In your
19 analysis did you assume a particular base tower or
20 not?

21 THE WITNESS (Maxson): I'm having
22 difficulty with the premise. Small cells, whether
23 they're distributed antenna systems or these new
24 cloud radio access nodes, don't require a cell
25 tower to hand off to. They operate independently.

1 MR. MORISSETTE: Okay. That's kind of
2 where I'm kind of trying to get to is how does
3 this small cell -- group of small cell units
4 communicate with the rest of the system?

5 THE WITNESS (Maxson): The traditional
6 DAS, which is the early version of small cells,
7 they would put in dedicated fiber-optic cable on
8 the poles and bring it back to what was called a
9 base station hotel which acted like the base
10 station at the base of a tower, and that was
11 appropriate for 3G technology. With 4G and 5G
12 technologies the communications for making the
13 cell sites work is much flatter, much more
14 efficient. So they can now bring in the same kind
15 of a data service that you or I would bring into a
16 business off the street from fiber on the utility
17 infrastructure and hook it directly to the small
18 cell on the utility pole. So they would basically
19 subscribe to a private data service to get that
20 connection back to what's referred to as the cloud
21 without having to go through a base station site
22 locally.

23 MR. MORISSETTE: That's helpful. Thank
24 you. So the 7 small cells, are they connected
25 together or are they communicating through the

1 cell network?

2 THE WITNESS (Maxson): If it's built as
3 a distributed antenna system, they would be
4 connected through dedicated new fiber put on the
5 street back to a base station hotel at some
6 location in town. If it's built as a cloud radio
7 access node network using 4G and 5G capabilities
8 that are available, it just connects, each one
9 would have its own service just as you and I have
10 our own internet service at our houses. They
11 would hire a business data service to connect to
12 each one of these on the poles.

13 MR. MORISSETTE: Which two of those
14 would provide the greater coverage areas or would
15 they be the same?

16 THE WITNESS (Maxson): Which of those
17 two?

18 MR. MORISSETTE: Yes.

19 THE WITNESS (Maxson): The radio
20 propagation is functionally the same. It's just
21 how much power you decide to put out of your
22 antenna on top of your utility pole. They're just
23 different implementations of how the networks
24 work.

25 MR. MORISSETTE: Okay. Thank you.

1 Would you agree that FirstNet is able to attach to
2 these small cells as well?

3 THE WITNESS (Maxson): I would phrase
4 it differently. FirstNet is basically a system
5 that is part of the AT&T system. AT&T has
6 numerous frequencies in the radio spectrum across
7 the high and the low bands that we've talked about
8 in this hearing. And one of those bands is the
9 FirstNet band. So the small cells can be equipped
10 to operate at the FirstNet band just as they can
11 be equipped to operate in any of the other AT&T
12 bands that they choose.

13 MR. MORISSETTE: Thank you. Okay, one
14 last question. Homeland is proposing the two
15 sites, but that doesn't necessarily mean that they
16 would propose -- they don't support the small
17 cell. But who would develop that small cell
18 arrangement within the Town of Kent, would it be
19 an independent developer, how does that work?

20 THE WITNESS (Maxson): Well, what I've
21 seen historically is that the distributed antenna
22 systems are neutral host systems. So they're
23 usually built by an investor like a tower company
24 but specializing in distributed antenna systems,
25 and they market that system to all of the

1 carriers, and the carriers can pick and choose
2 which locations they want to fire up for their own
3 network. The cloud radio access node approach
4 generally tends to be proprietary in that when
5 AT&T proposes a string of nodes along a highway at
6 another town, that's AT&T's proposition. They're
7 owning the equipment, they're owning the antenna,
8 and they're installing the data connection to it.

9 MR. MORISSETTE: Okay. That was very
10 helpful as well. Those are all the questions I
11 have. Thank you very much.

12 THE WITNESS (Maxson): Thank you.

13 MR. SILVESTRI: Thank you, Mr.
14 Morissette.

15 I'd like to move on now for continued
16 cross-examination with Mr. Harder.

17 MR. HARDER: I have no questions at
18 this time. Thank you.

19 MR. SILVESTRI: Thank you, Mr. Harder.
20 Moving on to Mr. Hannon.

21 MR. HANNON: Thank you, Mr. Silvestri.
22 Yeah, I'm -- in all honesty, I'm a little confused
23 with some of the testimony that's been provided
24 here today in the sense that in looking at some of
25 the information that came in under Isotrope

1 Wireless and some of the other documents, it
2 sounds as though going in with a small cell would
3 have been easy, you try to put it onto existing
4 utility poles. I learned a long time ago you
5 don't call them telephone poles. You can tell my
6 wife worked at a utility companies for 30
7 something years. But hearing that some of these
8 poles may not be associated with the utility
9 structure, I'm curious as to how you provide power
10 to these units, or don't they require power to
11 run?

12 THE WITNESS (Maxson): This is David
13 Maxson. I don't know if I was directly asked that
14 question. I'd be happy to answer it.

15 MR. HANNON: Anybody that can answer
16 it. That's what I'm looking for. Yeah, that
17 would be good. Thank you.

18 THE WITNESS (Maxson): Yeah, yeah. So
19 whether it's an existing utility pole or a new
20 pole put in the public way through the usual
21 processes of placing new poles in a public way,
22 power is run to the utility pole, the new small
23 cell, the same way you run power to a house. It's
24 just that the electric meter is mounted on the
25 utility pole instead of on the side of the house.

1 And the same thing with telecommunications. The
2 telecommunications lines are run from the existing
3 poles, and if you have a new pole, you would run a
4 telecommunications line across to the new pole.
5 So it's just, it becomes part of the utility pole
6 infrastructure along the street.

7 MR. HANNON: Okay. Just having
8 recently driven through my town like two days ago
9 to find out why -- or actually three days ago --
10 why my power still wasn't on, and driving around
11 and seeing the top of a number of utility poles
12 taken out by trees, what impact does, say, taking
13 one of these small cell units out of the middle of
14 the systems, what impact does that have on the
15 system as a whole?

16 THE WITNESS (Maxson): The impact is
17 limited to the coverage area of that small cell
18 rather than the full coverage area of a tower
19 site. So in that sense, a distributed system of
20 small cells is in many ways more resilient to an
21 outage than a cell tower would be.

22 MR. HANNON: Unless like a tree comes
23 down and takes out the power line that all of the
24 units are on because then there's also no backup.

25 THE WITNESS (Maxson): Well, as

1 proposed, apparently there's no backup, but there
2 can be backup. And the other factor to that is,
3 as I think was discussed earlier today, is if a
4 tree does a massive job taking out lines or a
5 utility pole, it's likely taking out the
6 telecommunications lines as well, in which case
7 anything that was connected through that point in
8 the network has no connection to the outside world
9 until it's fixed.

10 MR. HANNON: You're talking about
11 landlines on that?

12 THE WITNESS (Maxson): Yes, the
13 landlines that would be run to a cell tower and
14 the landlines that would be run to each small
15 cell, they're both dependent on the landline
16 network to get back to the cloud.

17 MR. HANNON: I'm going to be looking at
18 you for an answer on this too because -- and
19 possibly -- I'm trying to double check -- I think
20 it was also Mr. Powell. But there's a letter from
21 the Weantinoge Heritage Land Trust, and on page 2,
22 the last paragraph, it states, Furthermore, there
23 is a designed and engineered alternative to the
24 proposed towers that will provide better coverage
25 for comparable cost. I didn't see anything in

1 your document that talks about cost. I didn't see
2 anything in Mr. Powell's testimony that talks
3 about cost. Did you guys do that and I just
4 missed it?

5 THE WITNESS (Maxson): I didn't.

6 MR. HANNON: Mr. Powell, did you have
7 any testimony that talked about cost of the small
8 cell versus the regular tower?

9 THE WITNESS (Powell): Well, my
10 understanding from talking to the folks that do
11 this for a living was that it's of comparable
12 cost. I think that's what I said in my testimony.

13 MR. HANNON: Okay.

14 THE WITNESS (Powell): I'm just trying
15 to find it.

16 MR. HANNON: Because when you start
17 having to run electric lines to each one of the
18 individual units, you have to install new poles.
19 I mean, to me that starts racking up the dollars.
20 So I'm just curious as to how these costs are
21 comparable. I'm just having a hard time kind
22 coming to grips with that.

23 THE WITNESS (Maxson): I can speak a
24 little bit to that. I have done work on utility
25 infrastructure installing fiber-optic lines for

1 private users of public utility poles and that
2 sort of thing. And the great deal with utility
3 poles is there's essentially no rent. You have to
4 pay something like \$30 a year to have an
5 attachment on a utility pole, 15 to 30, depending
6 on the tariffs, and that's your rent. And then
7 you have to pay for electricity. So you have a
8 meter, and that's, what, 30 bucks a month, plus
9 the cost of the electricity that you use which
10 you're going to use no matter how you provide your
11 coverage. And the same thing with
12 telecommunications. So you have a service that's
13 got a drop going right to your small cell on the
14 utility pole that is similar to the service that
15 you might drop to your business on Main Street,
16 and that has a certain monthly cost. But all of
17 that monthly cost is negligible in comparison to
18 the cost of paying rent at a cell site and
19 maintaining a cell site.

20 And the other aspect of cost is the
21 capital cost upfront. Utility poles cost usually
22 less than \$2,000 and are not much more cost than
23 that to install. So there again, it's really
24 short money to put in 7 or 12, or whatever the
25 number is, of small cells compared to the cost of

1 developing a cell tower site.

2 MR. HANNON: Are these small cells
3 capable of being used by multiple carriers?

4 THE WITNESS (Maxson): Yes.

5 MR. HANNON: Okay. And the last
6 question I have is also for you. I'm just trying
7 to get a clarification on this. In your document
8 you state -- I don't have -- I think it's page 3
9 maybe. It's a Report on Analysis of Proposed Cell
10 Tower at Bald Hill Road, Kent, Connecticut. It's
11 item number 4. I'm just trying to get a better
12 understanding of your statement on number 4 where
13 you said, The proposed tower at Bald Hill is
14 excessively tall, as coverage from the 80 foot
15 above-ground height is not materially different
16 than the 150 feet above ground. What's your
17 definition of "not materially different"?

18 THE WITNESS (Maxson): Well, I do show
19 that specifically at the end of the report showing
20 the change in coverage with the different heights.
21 Basically by selecting the highest hill around,
22 the hill is the tower, and you don't need that
23 much height to get a commanding view or commanding
24 coverage of the surrounding area. So when I say
25 it's not materially different, I think I recall

1 there was just a few houses that were just inside
2 the coverage threshold at one height and were just
3 outside the coverage threshold at another height,
4 and the places where most signal is lost by going
5 down in height is where the terrain kind of shaves
6 off, creates a shadow, and they're in areas that
7 don't have houses or a lot of human activity.

8 MR. HANNON: Okay. Thank you. I
9 believe that does it for me, Mr. Silvestri.

10 MR. SILVESTRI: Thank you, Mr. Hannon.

11 I'd like to continue now with Ms.
12 Guliuzza.

13 MS. GULIUZZA: I think I just have one
14 question for Mr. Maxson.

15 Mr. Maxson, did I understand you
16 correctly to testify that small cells can be used
17 by more than one carrier at the same time?

18 THE WITNESS (Maxson): I did. From an
19 earlier explanation, there's some detail to that.
20 And the one factor to consider is that when a
21 proprietary small cell put in by a single carrier
22 and owned by a single carrier -- and I apologize
23 for the train in the background -- the small cell
24 is owned by that carrier, and they may be
25 reluctant to share space on that antenna, but it

1 can be done if they are required to share capacity
2 on the antenna.

3 MS. GULIUZZA: Okay. But have you seen
4 it done?

5 THE WITNESS (Maxson): I have not. The
6 only way that I've seen sharing so far is with the
7 traditional distributed antenna system where a
8 neutral host manages the antenna on behalf of all
9 the carriers who use it, and that can be the same
10 model here as well.

11 MS. GULIUZZA: Okay. But have you seen
12 it done anywhere other than -- not just in
13 Connecticut, have you seen it in a small cell
14 setting done in other jurisdictions?

15 THE WITNESS (Maxson): With proprietary
16 small cells that are owned by a wireless company,
17 I have not seen it, but with neutral host small
18 cells, yes, definitely.

19 MS. GULIUZZA: Thank you. I have
20 nothing further, Mr. Silvestri.

21 THE WITNESS (Maxson): Thank you.

22 MR. SILVESTRI: Thank you, Ms.
23 Guliuzza.

24 I'd like to turn now to Mr. Edelson to
25 continue cross-examination.

1 MR. EDELSON: My first question is for
2 Mr. Powell. I'm not sure if you said it, but the
3 size of the balloon that you flew, what was that?

4 THE WITNESS (Powell): I think it's
5 about 9 feet across.

6 MR. EDELSON: That was the diameter?

7 THE WITNESS (Powell): Yeah.

8 MR. EDELSON: Okay. And you mentioned
9 that when we were -- you were being asked about
10 the zoom on the particular picture from the lake
11 that the zoom, the zooming you did was you were
12 advised by your consultant. Who was your
13 consultant and what is their expertise?

14 THE WITNESS (Powell): That was Mr.
15 Maxson.

16 MR. EDELSON: Who he is a visual
17 engineer, that was his expertise that you were
18 relying on?

19 THE WITNESS (Powell): I was just
20 relying on the fact that he's been involved in a
21 lot of these.

22 MR. EDELSON: Okay. So Mr. Maxson was
23 the one who advised how to take that shot from the
24 lake as well as the others, I assume?

25 THE WITNESS (Powell): Yes. Well, as

1 far as just on the zoom he just said, look, if you
2 use this level of zoom it best approximates the
3 human eye.

4 MR. EDELSON: Very good.

5 THE WITNESS (Powell): To paraphrase.

6 MR. EDELSON: Mr. Maxson, just to
7 clarify, you mentioned as an example where small
8 cell technology was used is Alexandria, Virginia.
9 It's an area I know pretty well. That's basically
10 a flat urban area along the Potomac that has
11 nothing that I would say was comparable to what we
12 see in Kent. Would you characterize it similarly?

13 THE WITNESS (Maxson): That's a fair
14 statement. The question was about batteries, not
15 about coverage.

16 MR. EDELSON: Okay. So let me just
17 turn quickly then to Ms. Manes from the Kent Land
18 Trust. In your statement you do refer to small
19 cell technology. And I'm not looking to you to be
20 an expert on small cell technology.

21 THE WITNESS (Manes): That's good.

22 MR. EDELSON: But when you made that
23 statement that there is an alternative, what
24 information were you provided about other
25 communities, other towns, locations that have

1 successfully used small cell technology that would
2 be applicable to Kent?

3 THE WITNESS (Manes): You know, I need
4 to be directed to my exact statement, but any
5 statement that I made would have been based on my
6 experience only with the present matter.

7 MR. EDELSON: Okay. Because you did
8 say that small cell technology was available.

9 THE WITNESS (Manes): On the basis of
10 what I've been told by the neighbors associations.

11 MR. EDELSON: Okay. So it came from,
12 if you will, word of mouth, not from -- did
13 anyone provide an example of a particular area, do
14 you remember anybody mentioning either something
15 in the northeast or the United States or maybe
16 somewhere else?

17 THE WITNESS (Manes): I think I
18 answered that question already.

19 MR. EDELSON: Okay. I was just trying
20 to clarify. As I'm sure you can hear, there's
21 some skepticism about whether a small cell
22 technology could work in an environment like Kent.
23 If you were told that it would not be applicable,
24 would you change your view about the trade-offs
25 between the safety of your community versus the

1 ridge or the viewshed that's being impacted?

2 THE WITNESS (Manes): Absolutely not.

3 MR. EDELSON: So whether or not small
4 cell technology is available is really not
5 relevant to your concern about this particular
6 site?

7 THE WITNESS (Manes): No, it isn't.

8 MR. EDELSON: Okay. Very good. Back
9 to Mr. Powell. You referred to Docket 355. The
10 date of that was 2008. Are you aware of some of
11 the changes in the public need, public utilization
12 of cellular technology since then?

13 THE WITNESS (Powell): Only from my own
14 personal experience.

15 MR. EDELSON: Okay. I mean, in reading
16 the docket prepared by the applicant, it goes
17 through quite a litany of the legislation that has
18 been passed since 2008, talking about the
19 importance and public benefit of having a robust
20 wireless network. Did you familiarize yourself
21 with that in thinking about when you referred to
22 Docket 355?

23 THE WITNESS (Powell): No, I didn't go
24 and read all of that, no.

25 MR. EDELSON: Okay. Very good. And so

1 just to -- this might be repeating, but I think
2 it's really important. Mr. Powell, are you aware
3 of any other community with a similar topography
4 to Kent that is utilizing small cell technology?

5 THE WITNESS (Powell): No.

6 MR. EDELSON: And then I'll ask a
7 similar question to Mr. Maxson. Are you aware of
8 any community, area similar to the topography of
9 Kent that is currently using the small cell
10 technology?

11 THE WITNESS (Maxson): It comes close,
12 not quite as rugged but still wooded and hilly is
13 Chilmark, Massachusetts.

14 MR. EDELSON: Can you say that name
15 again?

16 THE WITNESS (Maxson): Chilmark,
17 Massachusetts.

18 MR. EDELSON: And that's the name of
19 the town?

20 THE WITNESS (Maxson): Yes.

21 MR. EDELSON: Okay. And have you
22 designed or were you involved in the design of
23 that particular installation?

24 THE WITNESS (Maxson): I was involved
25 in the development of zoning regulations that

1 ended up encouraging that particular installation.
2 I was not involved in its design.

3 MR. EDELSON: And can you give us an
4 approximate date when that was installed?

5 THE WITNESS (Maxson): I would estimate
6 about a decade ago.

7 MR. EDELSON: And since then that's the
8 only one?

9 THE WITNESS (Maxson): The only one
10 that is in this region that I know of that has
11 similar characteristics to what you described,
12 yes.

13 MR. EDELSON: Well, I think we've seen
14 several applications, at least I'm aware of
15 several applications, where people said, people
16 who are opposed to a particular tower said small
17 cell technology, and yet I haven't seen any one of
18 them being able to move forward with the
19 technology. So that's the concern for me for the
20 people of Kent where we want to make sure they get
21 the public benefit of having wireless with the
22 minimum environmental impact, we want to make sure
23 that they have a solution that is robust and works
24 properly. But I would think, if I were you, I
25 would see if you could put together some

1 information before September 3rd about what the
2 Chilmark experience has been because I think
3 having a real-life system with real experience
4 with this technology versus hypothetical would be
5 very helpful to the commissioners.

6 And with that, Mr. Chairman, I'll yield
7 back.

8 MR. SILVESTRI: Thank you, Mr. Edelson.

9 I have some follow-up questions that
10 might be kind of spotty, so forgive me if I bounce
11 around. I wanted to go back, first of all, to the
12 balloon issue. And I believe it was Mr. Powell
13 commented about using the golf range. Was the
14 golf range used for the height of the balloon
15 measurement?

16 THE WITNESS (Powell): Yes.

17 MR. SILVESTRI: Also, okay. Thank you.
18 And Mr. Maxson, I think the rest of the questions
19 I have might be related to you. If I understand
20 correctly from your responses to the other Council
21 members, is it true that you do not need to
22 supplement small cells with a cell tower?

23 THE WITNESS (Maxson): I think that's a
24 true statement. It varies with the application.
25 Certainly when they're using small cells to

1 increase capacity and they're using the higher
2 bands with less coverage to provide increased
3 capacity, for instance, in front of a shopping
4 center, there you need that umbrella of macro
5 coverage. But from an engineering standpoint, if
6 you can provide the coverage to the target area
7 from a series of small cells, they will hand off
8 just fine from one to the next as you move down
9 the road through the network without having a
10 macrocell.

11 MR. SILVESTRI: So when you say "hand
12 off," the small cells would communicate with each
13 other?

14 THE WITNESS (Maxson): The small cells
15 communicate with the network operating center
16 where the -- just like the base stations do.
17 They're all in contact with a switching system
18 that decides which cell is best at this moment for
19 each subscriber on the network.

20 MR. SILVESTRI: And that would be
21 through the fiber cable that you had mentioned
22 before?

23 THE WITNESS (Maxson): Yes.

24 MR. SILVESTRI: Okay, I'm getting
25 there. Thank you. You also mentioned something

1 about a cloud or a cloud radio?

2 THE WITNESS (Maxson): Yes.

3 MR. SILVESTRI: Could you describe
4 either or both of those?

5 THE WITNESS (Maxson): Sure. The cloud
6 is the geeky term that refers to all this
7 networking that's now being done through servers
8 at remote locations rather than at somebody's
9 office. The ability to use Dropbox or Google
10 Documents, those are cloud-based applications
11 because they're somewhere else and you can access
12 them from wherever you are.

13 So the way 4G and 5G technologies work
14 is they don't need to go straight to a base
15 station. They can go on a private network
16 connection back to the carrier's servers, and the
17 servers make the decision that the base station
18 used to make about to what location the
19 subscriber's call should be handed off to.

20 MR. SILVESTRI: Would the communication
21 aspect be done by Wi-Fi, or it would be still done
22 through the fiber cable or both?

23 THE WITNESS (Maxson): Wi-Fi has like
24 zero to do with this. When you and I have Wi-Fi
25 at home, we plug our Wi-Fi into an internet

1 connection. When I have a business application at
2 my office, I hire a more robust network
3 connection. If I have an office and another
4 office 30, 40, 50 miles or 1,000 miles away, I
5 might hire a private, not internet, but a private
6 network connection to connect all of my offices.
7 This is functionally what each small cell is
8 doing. It's talking back to that central server
9 and handing off, as it's told, or picking up
10 calls. So it's that connection through the fiber
11 backbone on the public streets back to some remote
12 server that does that. And think of the phone as
13 being to the small cell what our Wi-Fi at home is
14 to our Wi-Fi access point at home.

15 MR. SILVESTRI: Okay. Thank you.
16 Thank you for the clarification. As far as
17 service goes with the small cells, they could
18 provide service by line of sight; is that correct?

19 THE WITNESS (Maxson): Line of sight is
20 a radio concept that's applicable more and more as
21 you go up in frequency up in the spectrum until
22 you get to visible light which is ideally line of
23 sight. So at the high frequencies it's more line
24 of sight. Radiowaves still reflect and refract
25 and bounce around, but they are more affected by

1 many kinds of obstacles.

2 At the 700 megahertz frequencies we're
3 now getting into the part of the spectrum where
4 line of sight is not dominant, that the behavior
5 of the radiowaves, because their wavelengths are
6 longer, they tend to bend over obstacles better,
7 they tend to penetrate foliage better to the point
8 that there's a Communication Research Center
9 report from 2011 when 700 megahertz wireless was
10 first being considered that identified the fact
11 that in hilly wooded terrain you'd have an 18
12 decibel advantage at 700 megahertz compared to
13 about 2 gigahertz. So that ability to penetrate
14 foliage and diffract over gentle hills and that
15 sort of thing is significantly improved at 700
16 megahertz.

17 MR. SILVESTRI: And the cells would be
18 omni-directional?

19 THE WITNESS (Maxson): Most likely.
20 There are cells where there's enough capacity
21 demand that they might split it and have half the
22 antenna operating as one sector and half the
23 antenna operating as another sector, but in this
24 Kent area I don't see that that would be
25 necessary. It would be omni-directional.

1 MR. SILVESTRI: In your hypothetical it
2 would be omni-directional?

3 THE WITNESS (Maxson): Yes, yes.

4 MR. SILVESTRI: Okay. You had also
5 mentioned the possibility of having fuel cells for
6 backup. Is there natural gas in this area of
7 Kent?

8 THE WITNESS (Maxson): I'm not getting
9 a connection between the two parts of the
10 question, but I don't know if there's natural gas
11 in this area of Kent.

12 MR. SILVESTRI: Well, the key there,
13 you have to have some type of hydrogen source for
14 fuel cells. Normally natural gas is the most
15 common that's used, which is why I posed that
16 question. Somehow you've got to get the fuel cell
17 activated.

18 THE WITNESS (Maxson): Yes. If you're
19 talking about a continuous power generation source
20 and you have natural gas to connect to, that's
21 ideal. At the cell tower they apparently don't
22 have natural gas, so they're proposing propane in
23 tanks. A fuel cell of the kind of compact size
24 we're talking about mounted on a utility pole or
25 by a utility pole would only require a small

1 cannister of hydrogen to be there.

2 MR. SILVESTRI: Okay. So if I put it
3 all together, I have potential electricity,
4 potential hydrogen, and maybe some other things
5 all in the same area. In your opinion, is it
6 safe?

7 THE WITNESS (Maxson): Sure. If you
8 think of anything that has fuel, the propane tank
9 in your backyard barbecue, yes, you have to do
10 certain things to make sure that it's not
11 mishandled, that it's maintained, and to minimize
12 exposure to inordinate risk.

13 MR. SILVESTRI: Okay. So last question
14 for you. In your opinion, what's the reluctance
15 to installing small cells?

16 THE WITNESS (Maxson): I think
17 there's a -- thank you for that. It's a complex
18 situation in the wireless industry. Obviously,
19 there's reluctance to adopt approaches that are
20 not the current way of doing things. There's also
21 this situation where wireless companies defer some
22 of their capital expense in developing new sites
23 onto developers like Homeland Towers. So there's
24 sort of a business model and a preference for
25 doing things the way that has worked.

1 My point is that if you do the
2 engineering, you can solve the coverage problem in
3 this part of Kent by not using a cell tower, but
4 it's not something the carriers will do until it's
5 basically forced upon them because they prefer
6 this other approach.

7 MR. SILVESTRI: Thank you for your
8 comments. I don't have any further questions, but
9 I do want to go back to our Council members and
10 staff just to make sure they didn't have any
11 follow-ups. So I'll ask Mr. Mercier and then our
12 Council members if there's any other follow-up
13 questions.

14 MR. MERCIER: Thank you. This is
15 Mr. Mercier. I have a question regarding the
16 hypothetical DAS system you designed or was put on
17 paper, that is. Now, you said that in order for
18 another carrier to utilize this hypothetical DAS
19 system, they would have to use AT&T's proprietary
20 antenna if AT&T was the initial carrier; is that
21 correct?

22 THE WITNESS (Maxson): Yes and no.
23 Yes. If it's a distributed antenna system, a
24 wireless company that, if it were to build a
25 distributed antenna system, has an economic

1 incentive to be a neutral host provider of that
2 system. The difference is that with these new
3 cloud connected small cells, the carriers don't
4 have to rely on the infrastructure of a fiber
5 backbone at a base station hotel. They can just
6 install their equipment, install the fiber
7 connection, install the power connection and walk
8 away. So they don't have an incentive to share
9 antenna ports on that antenna unless someone
10 forces them to do so.

11 MR. MERCIER: Okay. So in your
12 hypothetical what are you designing here?

13 THE WITNESS (Maxson): Well, what I
14 designed was coverage. It could be a distributed
15 antenna system or a cloud access node network.
16 What I was attempting to demonstrate is that using
17 currently adopted standards for propagation
18 modeling and using the kinds of power levels that
19 we expect from these utility pole mounted nodes
20 that we can get some pretty good 700 megahertz
21 coverage in the area.

22 MR. MERCIER: Okay. And the other
23 item. You mentioned Chilmark, Massachusetts,
24 which you said has -- what's it have, a DAS
25 system?

1 THE WITNESS (Maxson): Yes.

2 MR. MERCIER: Okay. And Chilmark,
3 that's on Martha's Vineyard?

4 THE WITNESS (Maxson): Yes.

5 MR. MERCIER: The west end of Martha's
6 Vineyard?

7 THE WITNESS (Maxson): I have to get my
8 west and my east. Yes.

9 MR. MERCIER: So I'm just curious how
10 that terrain would be similar to the Kent terrain
11 which, if you look at the topographic maps, it has
12 mountainous terrain. How does that compare to
13 Chilmark's terrain?

14 THE WITNESS (Maxson): Well, if you're
15 familiar, the next town after Chilmark is
16 Aquinnah, and there is a bluff there that's, I
17 don't know, 100 feet high or whatever. That end
18 of the island is hilly. So in that respect I was
19 just trying to think of something off the top of
20 my head that was a hilly location where
21 distributing a number of utility pole mounted
22 antennas addressed a coverage concern.

23 MR. MERCIER: Okay. But you know none
24 that are similar in terrain to Kent which is
25 mountainous. Would you agree it's mountainous?

1 THE WITNESS (Maxson): Yes, I would say
2 that the terrain roughness factor for Kent is much
3 higher than it is for Chilmark, so it's not
4 identical, that's correct.

5 MR. MERCIER: Okay. Thank you. No
6 other questions.

7 MR. SILVESTRI: Thank you, Mr. Mercier.
8 Mr. Morissette, do you have any
9 follow-ups?

10 MR. MORISSETTE: Yes, just one
11 follow-up for Mr. Maxson. Did you see the
12 responses from the applicant relating to coverages
13 at, I think it was 25 feet and 50 feet? There was
14 quite a discrepancy, particularly at 50 feet, for
15 your analysis at 50 feet. Do you have any
16 comments on that?

17 THE WITNESS (Maxson): Yes. Thank you.
18 I don't know what inputs the AT&T consultants used
19 to generate their coverage models. They do label
20 the maps as being at 700 megahertz. But based on
21 my experience and on the standards that I'm
22 familiar with regarding 700 megahertz propagation
23 in this kind of environment, that what I saw for
24 their small cell coverage was unrealistic. It was
25 more to my eye like coverage that you might get at

1 2,100 megahertz, much higher frequencies, where
2 the foliage just soaks up the signals and they die
3 off very quickly. But if you take that 18 dB that
4 I mentioned earlier and add it to the signal
5 strengths that they show on that map, you'll find
6 that their map is more in line with my map than it
7 is using the factors that they used to produce the
8 images they produced.

9 MR. MORISSETTE: Very good. Thank you.
10 That's all the questions I have.

11 MR. SILVESTRI: Thank you, Mr.
12 Morissette.

13 Mr. Harder, any follow-up?

14 MR. HARDER: No further comments.
15 Thank you.

16 MR. SILVESTRI: Thank you. Mr. Hannon,
17 any follow-up?

18 MR. HANNON: No, I do not. Thank you.

19 MR. SILVESTRI: Very good. Thank you.
20 Ms. Guliuzza, any follow-up?

21 MS. GULIUZZA: No, thank you.

22 MR. SILVESTRI: Thank you also. And
23 Mr. Edelson, any follow-up?

24 MR. EDELSON: Just two. Is it still
25 the case in Chilmark that AT&T is the wireless

1 carrier using that?

2 THE WITNESS (Maxson): I don't recall.
3 My recollection was that AT&T was the carrier, or
4 one of the carriers, but at this point I don't
5 know.

6 MR. EDELSON: Okay. We talked a little
7 bit about power backup which has been very
8 important to many of us with the towers, but
9 another aspect is physical security so every one
10 of the facilities has physical security around it
11 with fencing. How would you handle the issue of
12 security of the cellular, the small cells
13 themselves, would you be recommending that 8 foot
14 fences be put around every one of the utility
15 poles or other ways to secure the hardware on the
16 poles?

17 THE WITNESS (Maxson): The utility
18 infrastructure in the world, in the United States,
19 in Connecticut is pretty secure. When equipment
20 now used by a telephone company and the cable
21 company, not to mention the electric company, is
22 mounted on those utility poles, it's secure, and
23 that's because it's usually about 15 feet above
24 ground.

25 MR. EDELSON: I'm talking about

1 vandalism. I think that's what we're worried
2 about.

3 THE WITNESS (Maxson): Right.

4 MR. EDELSON: And I'm seeing these as
5 poles that are out in a rural area that are
6 unprotected so --

7 THE WITNESS (Maxson): Yes. And my
8 point is that there are already poles out in those
9 areas unprotected with apparatus belonging to the
10 cable company and the telephone company in boxes
11 that is perfectly safe because it's mounted
12 usually more than 10 feet above ground out of
13 reach and out of mind.

14 MR. EDELSON: Okay. I think in the
15 interest of time I'll let that go.

16 THE WITNESS (Maxson): Thank you.

17 MR. EDELSON: Thank you, Mr. Chairman.

18 MR. SILVESTRI: Thank you, Mr. Edelson.

19 I'd like to continue with
20 cross-examination of the PDA, SRA and Lakeside by
21 the applicants. Attorney Chiocchio.

22 MS. CHIOCCHIO: Thank you, Mr.
23 Silvestri. I have a few questions for Mr. Maxson.

24 Your CV or your resume does not include
25 your educational background. Do you have an

1 engineering degree?

2 THE WITNESS (Maxson): I do not.

3 MS. CHIOCCHIO: Do you have any formal
4 training with respect to placement, construction
5 or modification of wireless facilities?

6 THE WITNESS (Maxson): I design
7 wireless facilities. As far as formal training is
8 concerned, I guess I've taken the occasional
9 seminar, and that sort of thing, on the subject.

10 MS. CHIOCCHIO: Have you ever operated
11 a commercial wireless network?

12 THE WITNESS (Maxson): No.

13 MS. CHIOCCHIO: One of the items in
14 your resume is, with respect to your experience,
15 is evaluation of radio frequency facilities for
16 compliance with technical and regulatory
17 standards. I'm assuming that includes regulatory
18 standards for small cells and DAS systems?

19 THE WITNESS (Maxson): That includes
20 that, yes.

21 MS. CHIOCCHIO: If so, are you familiar
22 with the regulatory standards for small cell
23 attachments to utility poles in Connecticut?

24 THE WITNESS (Maxson): I am not
25 familiar with the Connecticut process. What I

1 have the most experience with is the overarching
2 federal, recent federal guidelines on small cells.

3 MS. CHIOCCHIO: So you're not familiar
4 with any requirements by the utilities in
5 Connecticut with respect to attachments on utility
6 poles?

7 THE WITNESS (Maxson): Only in a
8 superficial way. I've looked at some of the
9 things on the internet and the state web sites
10 that talk about placement of utility poles, but I
11 don't claim to have any specific expertise on
12 that.

13 MS. CHIOCCHIO: You mentioned earlier
14 you talked about the average impact of foliage in
15 your model.

16 THE WITNESS (Maxson): I'm having a
17 little trouble hearing you. Is it possible you
18 could get closer to your microphone?

19 MS. CHIOCCHIO: Yes. So you talked
20 earlier about this average impact of foliage in
21 your model, so it's numbers taken from a table; is
22 that correct?

23 THE WITNESS (Maxson): I'm sorry, I
24 missed the word. Average impact of what?

25 MS. CHIOCCHIO: Foliage in your model,

1 the impact of trees and so forth in your model.

2 THE WITNESS (Maxson): Okay, clutter,
3 yes.

4 MS. CHIOCCHIO: Yes. So you testified
5 earlier that there's a table of values that the
6 model uses, is that correct, did I understand you
7 correctly?

8 THE WITNESS (Maxson): Yes.

9 MS. CHIOCCHIO: So would a model that
10 takes these losses into account based on actual
11 measurements at a certain frequency on specific
12 roads within the area of service, would that model
13 be more accurate than a model that uses an average
14 number?

15 THE WITNESS (Maxson): I would not
16 regard that so much a model as a field measurement
17 to get more detail on the performance of the
18 network. You start out by modeling. Then when
19 you have what looks like a good opportunity, by
20 all means go out and do some drive testing, and
21 I've done that sort of thing with other small cell
22 opportunities.

23 MS. CHIOCCHIO: So the hypothetical DAS
24 that you provided is not based on any drive data;
25 is that correct?

1 THE WITNESS (Maxson): Not directly on
2 drive testing, although the computer model is
3 something that we've tuned over the years using
4 input data from field measurements to fine tune
5 it.

6 MS. CHIOCCHIO: Okay. But it wasn't
7 based on any specific drive data for this area?

8 THE WITNESS (Maxson): Yes. And to be
9 clear, the drive data, there are two basic kinds
10 of drive data. One is to measure existing
11 coverage, which this is not talking about, and the
12 other is to measure how well a proposed
13 installation will perform by putting up a test
14 antenna at a location and then going around and
15 measuring it.

16 MS. CHIOCCHIO: With respect to your
17 residences covered approach on page 9, you state
18 that you counted the houses on the GIS system, you
19 counted buildings that are residences. You
20 avoided barns and sheds. How did you determine
21 how many people live in each residence, did you
22 assume it was one or two or --

23 THE WITNESS (Maxson): Well, my primary
24 output is a house count. The statistics for the
25 Town of Kent is that the average occupancy per

1 residence is 2.4. So if one is inclined to try to
2 come up with a population count, one could
3 estimate that by multiplying the house count by
4 2.4.

5 MS. CHIOCCHIO: So is that -- in your
6 opinion, that's more accurate than using census
7 data?

8 THE WITNESS (Maxson): In terms of the
9 difference in coverage from 150 feet, say, to 80
10 or 100 feet, it is definitely more accurate
11 because you can see where the coverage footprint
12 might be shrinking away from a residence as you
13 compare those different coverages from those
14 different heights. Whereas the census based model
15 simply says, well, if this census block has lost X
16 number of acres, that means it's Y number of
17 people population that it's lost. It's just a
18 simple average population per acre in each census
19 block. So to do those comparisons at different
20 heights is really not reliable using the census
21 data.

22 MS. CHIOCCHIO: So you, just to
23 clarify, you used an average of, what was it, 2.4
24 residents per home?

25 THE WITNESS (Maxson): I, if I came up

1 with population counts -- I'm trying to recall if
2 I did or not -- then that would have been the
3 basis, yes.

4 MS. CHIOCCHIO: Turning to your
5 statement number two, the applicants' stock
6 protest against deployment of small cells, what's
7 the basis for that statement?

8 THE WITNESS (Maxson): About a dozen
9 years of experience of applicants resisting small
10 cells of different kinds. Early on it was
11 distributed antenna systems, but it's just
12 something I see over and over again that there
13 seems to be an attempt to use the conventional
14 methods of development and deployment, and that
15 leads to putting cell towers on ridge tops in
16 sensitive scenic areas.

17 MS. CHIOCCHIO: So are you familiar
18 with AT&T's docket at PURA with respect to the
19 small cell deployment within the State of
20 Connecticut?

21 THE WITNESS (Maxson): I am not.

22 MS. CHIOCCHIO: Did you review the
23 December 13, 2019 letter from the Kent Volunteer
24 Fire Department in the application or familiar
25 with the statements on the record made at the

1 public hearing by the Kent Volunteer Fire
2 Department?

3 THE WITNESS (Maxson): I am not.

4 MS. CHIOCCHIO: And just a few more
5 questions. With respect to Chilmark, the example
6 you gave earlier, is that a rural area or is that
7 a more densely populated area?

8 THE WITNESS (Maxson): It's pretty
9 rural. It's out at one of the far ends of the
10 island where there are pretty large tracts of
11 undeveloped land and residences along the streets.

12 MS. CHIOCCHIO: And there was some
13 testimony by the Town of Kent with respect to
14 small cells. And I'm just asking were you the
15 consultant for the town, did you provide that
16 information to the town?

17 THE WITNESS (Maxson): I'm sorry,
18 information for the balloon test?

19 MS. CHIOCCHIO: I'm sorry, about small
20 cells.

21 THE WITNESS (Maxson): About small
22 cells.

23 MS. CHIOCCHIO: Right. Did you talk to
24 them about your hypothetical model and so forth?

25 THE WITNESS (Maxson): Yes, they

1 commissioned me to evaluate the opportunities for
2 small cells to provide coverage.

3 MS. CHIOCCHIO: Thank you. Just a
4 couple questions for Mr. Powell. I understand
5 you're going to provide some additional
6 information about your balloon float and your
7 photos. I had a question for you regarding your
8 statement that a 120 foot tall monopole tower in
9 Siting Council Docket Number 355 was denied with
10 direction to consider multiple shorter towers.

11 Can you point out specifically where in
12 the Siting Council opinion for that docket that
13 direction was given to the applicant?

14 THE WITNESS (Powell): Which page is it
15 on of the testimony? Sorry.

16 MS. CHIOCCHIO: So it's on the first
17 page under Roman numeral 3. It's the second
18 statement.

19 THE WITNESS (Powell): I'll have to
20 give it to you again supplementally.

21 MS. CHIOCCHIO: Okay.

22 THE WITNESS (Powell): The honest
23 answer is, trying to shorten this up, I think I
24 deleted it.

25 MS. CHIOCCHIO: Okay. Thank you. Did

1 you see the reference to Docket No. 342 in the
2 opinion for Docket No. 355?

3 THE WITNESS (Powell): I would have,
4 but I don't recall it.

5 MS. CHIOCCHIO: Okay. So are you aware
6 that the Siting Council was considering both
7 Docket 342 and 355 at the same time in evaluating
8 two tower sites, and they had denied the tower in
9 Docket 355 but approved the tower in Docket No.
10 342?

11 THE WITNESS (Powell): No, I didn't
12 know that.

13 MS. CHIOCCHIO: Thank you. Thank you,
14 Presiding Officer. That's all the questions.

15 MR. SILVESTRI: Thank you, Attorney
16 Chiocchio.

17 I'd like to continue with
18 cross-examination of PDA, SRA and Lakeside by the
19 Bald Hill Road Neighbors, Attorney DiPentima and
20 Attorney Rybak.

21 MR. RYBAK: I'd like to make a question
22 of Mr. Sippel, if I could. I'll let him get
23 unmuted. There we go.

24 So I'm not sure if you're familiar, but
25 in the applicants' visual impact analysis there

1 was what we call picture or dot number 33 on their
2 map. And I'd have a citation for you, but I'd
3 have to leaf through it all the way. In any
4 event, is that dot number 33, which I guess is on
5 the eastern side of South Spectacle, is that near
6 your house?

7 THE WITNESS (Sippel): Approximately,
8 yes.

9 MR. RYBAK: And were you able to see, I
10 guess, the balloon that was floated, as was said
11 by Mr. Powell, on July 4th?

12 THE WITNESS (Sippel): Yes.

13 MR. RYBAK: How clearly could you see
14 it, if you could characterize it as best you can?

15 THE WITNESS (Sippel): So from the
16 lakeside of my house, my house faces, you know,
17 the front of my house faces Spectacle Ridge Road,
18 the backside of my house faces South Spectacle
19 Lake, from the South Spectacle Lake side we looked
20 across towards Bald Hill. The balloon was very
21 evident, obvious on the horizon.

22 MR. RYBAK: Thank you. I have a couple
23 of questions for Ms. Donnenfeld, if I could.

24 THE WITNESS (Donnenfeld): Okay.

25 MR. RYBAK: Where do the members of

1 your group live in relation to Richards Road, Site
2 B, and Bald Hill Site A?

3 THE WITNESS (Donnenfeld): Okay. Our
4 homes are on the east shore of South Spectacle
5 Lake, and our views are to the west and the north.
6 The Richards Road tower is basically due south of
7 us, so we don't have use of that tower except for
8 when we would either paddle or swim towards the
9 south part of the lake. The Bald Hill tower is
10 west and north of South Spectacle Lake, and our
11 properties, as I said, are on the east border so
12 we have a clear view of the Bald Hill tower. I
13 mean, it's right there.

14 MR. RYBAK: So if I'm looking
15 correctly, is it correct that you submitted
16 written testimony on July 15th?

17 THE WITNESS (Donnenfeld): Where I said
18 west, and it says east where it should say west?
19 Yes. I'm like, whoa, that was a -- yes. Are you
20 talking about a point -- were you going to ask
21 about I have a dot, open uninterrupted views of
22 both the towers across the lake? Bald Hill would
23 be looking west, and Richards Road would be
24 looking south.

25 MR. RYBAK: Okay. So when there was

1 this July 4th balloon float, what did you see?

2 THE WITNESS (Donnenfeld): I saw a big
3 balloon well above the treeline in the center of
4 the view. It was evident from -- and I went out
5 on the lake, I went from my property everywhere
6 along our shore, and from every point of the lake
7 you saw this big balloon towering over the ridge
8 line.

9 MR. RYBAK: I was looking in your
10 testimony, and I noticed that your group, and if I
11 might quote, believes that the proposed Bald Hill
12 tower is the greater of the two evils. Is that
13 still your testimony?

14 THE WITNESS (Donnenfeld): Absolutely,
15 yes.

16 MR. RYBAK: And as to the -- go ahead.
17 I'm sorry.

18 THE WITNESS (Donnenfeld): What I was
19 going to say, the proposed placement of the Bald
20 Hill tower puts it directly in line with the ridge
21 that forms basically the backdrop for South
22 Spectacle Lake, and it would have an especially
23 negative impact on the scenic views at the lake.

24 The Richards Road tower would be
25 visible to some of the homes on the lake, but it's

1 less visible because most homes are not oriented
2 to look that way, so they -- definitely homes do
3 see it, but it's less so than you would when it's
4 your primary view. And it also would be somewhat
5 minimized if the tower was placed differently on
6 the Richards Road site. A tower in the Bald Hill
7 site is visible from the entirety of South
8 Spectacle Lake, and from all but two residences,
9 and it will be visible well above the treeline
10 against an otherwise uninterrupted clear sky. We
11 would be looking at the Bald Hill tower every day,
12 all day, every sunset, all four seasons from our
13 homes and from the lake.

14 MR. RYBAK: So I'd like to ask you
15 briefly about the Richards Road tower, if I could.
16 If they were to move, for example, the proposed
17 site to the east and to the south and shorten the
18 tower, would that change the way that you look at
19 it or your view of it?

20 THE WITNESS (Donnenfeld): It's my
21 understanding that it would. I can't say that I
22 went and stood somewhere and would be able to know
23 that for sure. That's what I have been told. I
24 mean, all logic tells you if it's shorter it's
25 going to be less visible.

1 MR. RYBAK: Do you know what kind of
2 trees are up in that area around Site B? Are
3 there a particular type of tree, deciduous or
4 evergreen or what?

5 THE WITNESS (Donnenfeld): My guess is
6 it's both. I mean, that's what I have on my
7 property. That's what I see around the lake.

8 MR. RYBAK: I have a couple of
9 questions for Ms. Manes, if I could, as well.

10 THE WITNESS (Manes): Okay.

11 MR. RYBAK: Now, I know you're trying
12 to wear two hats, so slow me down if I'm going
13 with the wrong hat here. But could you please
14 describe for us what the conservation values are
15 that are being protected in Kent under the town's
16 regulations and policies?

17 THE WITNESS (Manes): I, you know, I
18 think there would be general agreement that Kent's
19 scenic viewscapes are one of the most valued
20 natural resources in this town. I've seen over
21 and over again studies where our townspeople have
22 seconded that, you know, articulated the
23 importance of preserving the scenic viewscapes.
24 Of course, the Kent Land Trust and other
25 conservation organizations working in this town

1 are also very focused on the preservation of water
2 resources, core forest resources, you know,
3 wildlife habitat, including the connectivity that
4 is found by our large blocks of connected forests.
5 I don't know if I'm forgetting any. Farmland
6 soils. But everything, you know, that wraps into
7 this treasured rural town that, you know, is
8 contributing to the quality of life and attracts
9 both weekend residents as well as young families
10 and convinces people to stay here.

11 MR. RYBAK: And what is your opinion of
12 the application, do you find that it's been
13 respectful of the conservation values of the Town
14 of Kent in that area, or no?

15 THE WITNESS (Manes): As I believe
16 maybe I inquired about during the time that I'm
17 testifying as a conservation commissioner, I think
18 that the application twists what it says about the
19 plan of conservation and development in town. And
20 I -- you know, so I feel that the application
21 itself is flawed with respect to the impact and
22 what the community on the whole support.

23 MR. RYBAK: Are there any scenic roads
24 or similar in the vicinity of the Bald Hill and
25 the Richards proposed sites?

1 THE WITNESS (Manes): Yeah, I'm not
2 sure if you're asking about whether or not a road
3 is formally recognized as a scenic road. You
4 know, most of the roads in Kent could be described
5 as scenic. That is my purpose. I, in my
6 employment is to preserve the scenic nature of the
7 roads in Kent, so I would certainly argue that
8 Route 341, Richards Road, Bald Hill Road, the
9 roads that you would see the tower from, including
10 roads in the Geer Mountain panorama, which is one
11 of Kent's town character areas that the town has
12 designated as particularly worthy of preserving,
13 all of those roads are incredibly scenic.

14 MR. RYBAK: And do you know whether the
15 towers could be seen from the roads that you
16 mentioned?

17 THE WITNESS (Manes): I've read the
18 application, and I have looked at the photos, and
19 so, you know, seeing is believing. I saw where
20 the tower would be visible from roads both close
21 by and farther away.

22 MR. RYBAK: That's all I have for you.
23 I do have one question for Mr. Maxson, if I could.

24 THE WITNESS (Maxson): Yes.

25 MR. RYBAK: Mr. Maxson, what are the

1 emergency services, or FirstNet or similar, can
2 they be carried on small cells; and if so, how are
3 they carried?

4 THE WITNESS (Maxson): Yes, they can,
5 and it's just a matter of provisioning the small
6 cell with the frequencies that are specifically
7 assigned to FirstNet and are operated by AT&T.
8 These small cells can have multiple inputs to the
9 antennas from different bands of frequencies, and
10 they can certainly include the FirstNet if they
11 pick the correct model of antenna.

12 MR. RYBAK: There was a little -- I
13 guess as a follow-up question, if you have a
14 monopole tower and it has, I guess, if I'm
15 catching your testimony correctly, it leads to
16 wires that then come down and go to a utility pole
17 eventually somewhere, is that right, it has to go
18 down to the telephone system?

19 THE WITNESS (Maxson): Yes. If you
20 look at the plans for the proposed sites, you'll
21 see that they have lines running from the utility
22 pole on the street, and they might be underground
23 on the property to the tower, but they then go
24 above ground because that's how the utilities are
25 run back to the telephone company networking

1 offices and of course back to the power company as
2 well. So the cell site is exposed to the same
3 kind of outages that you or I would experience on
4 our residence if a tree came down and knocked out
5 a utility pole.

6 MR. RYBAK: So I guess that's the crux
7 of my question is you were talking a little
8 earlier about poles that don't have a fence around
9 them. So if you run a wire from the tower to the
10 poles, you're back at the same poles that don't
11 have fences around them anyway.

12 THE WITNESS (Maxson): Yes. And I
13 think comparing a utility pole with less than 28
14 cubic feet of cabinet mounted on it more than 10
15 feet above ground with an attractive nuisance that
16 is a tower on private property in an area that's
17 not highly, you know, used by people or not
18 visible, the tower is much more of an attractive
19 nuisance than a utility pole installation would
20 be.

21 MR. RYBAK: I don't have anything more.
22 Tony, do you have anything?

23 MR. DiPENTIMA: No.

24 MR. RYBAK: That's all on our part.

25 MR. SILVESTRI: Very good. Thank you,

1 counsel.

2 I'd like to continue with
3 cross-examination of PDA, SRA and Lakeside by the
4 Town of Kent, and Attorney Casagrande and Attorney
5 Rosemark.

6 MR. ROSEMARK: I'll go first, if that's
7 okay, Attorney Casagrande.

8 MR. CASAGRANDE: Yes, yes.

9 MR. ROSEMARK: Okay. My question for
10 Mr. Maxson. Good afternoon, sir. You testified
11 that you're familiar with the federal rules
12 regarding small cells; is that correct?

13 THE WITNESS (Maxson): Yes.

14 MR. ROSEMARK: And could you just give
15 me an idea recently, say, in the last three to
16 four years how many various reports and orders
17 have come out that you're aware of with regard to
18 small cells siting in the rights-of-way?

19 THE WITNESS (Maxson): I follow a
20 number of different things the FCC does, and in
21 the past year, couple of years, three years, four
22 years there have been easily between a half a
23 dozen and ten that I've been involved with. Among
24 those at least two involve small cells, perhaps
25 more, depending on timing. I don't have the exact

1 number off the top of my head.

2 MR. ROSEMARK: And a lot of the
3 discussion with regard to the small cells is the
4 proliferation or the expansion of the use of these
5 small cells; is that accurate?

6 THE WITNESS (Maxson): I'm sorry, could
7 you say that again?

8 MR. ROSEMARK: Yeah. Is that because
9 there's a growing number of small cells being
10 introduced into the country on a daily basis
11 across the country?

12 THE WITNESS (Maxson): Definitely. The
13 FCC has been alerted by the wireless industry over
14 the last decade to the fact that with the
15 deployment of 4G technologies and now the growth
16 to evolution to 5G technologies that they will
17 need hundreds of thousands of small cells across
18 the United States in the next five, ten years, and
19 that they were looking to the FCC for some
20 protection so that they could use the public
21 rights-of-way with less local regulation than they
22 have seen on cell towers. So the whole point was
23 to make it much easier for wireless companies to
24 put small cells in the public way.

25 MR. ROSEMARK: Did they establish a

1 rough order of magnitude of fees that the carrier
2 has to pay to locate on those utility poles?

3 THE WITNESS (Maxson): Well, my
4 understanding in most states -- I can't speak for
5 Connecticut -- but my experience in general is
6 that there are tariffed fees at the state level
7 for attaching apparatus to utility poles, and the
8 wireless companies are entitled to pay those
9 tariffed fees. As far as the FCC regulating fees,
10 the FCC allows government entities to charge a
11 very limited fee for processing an application and
12 for the use of a pole in terms of using the public
13 way. So the FCC has stepped very clearly in the
14 role of regulating access to the public way.

15 MR. ROSEMARK: And is there specific
16 time frames that they have to adhere to, meaning
17 the municipality or the utility provider, does the
18 FCC impose certain what they say is shot clock
19 timing on getting these applications through the
20 process?

21 THE WITNESS (Maxson): Yes. Just
22 yesterday morning I received a request from the
23 Town of Burlington, Massachusetts to review an
24 application by AT&T to install small cells which
25 the determination of completeness for the

1 application needs to be done within ten days of
2 the tendering of the application, and then beyond
3 that there's another limitation on how many days
4 the town has to review the application.

5 MR. ROSEMARK: In your opinion then,
6 and to borrow a phrase from a sports metaphor that
7 was used by Wayne Gretzky, is this where the
8 hockey puck is going with regard to the cellular
9 industry?

10 THE WITNESS (Maxson): I think that if
11 you read the press reports, that the large amount
12 of financial investment is going into small cells
13 because they're just necessary. And as you can
14 see, there's still work in the background where
15 there are places where a tower company will come
16 in and propose a cell tower and get a wireless
17 company to sign onto it because it will improve
18 coverage, but fundamentally the big growth in
19 wireless coverage will be with the small cells in
20 the coming years.

21 MR. ROSEMARK: Would it surprise you if
22 I said that with Eversource alone there are over
23 30,000 applications filed for small cells in the
24 State of Connecticut?

25 THE WITNESS (Maxson): I'm surprised.

1 That's large.

2 MR. ROSEMARK: Okay. And across the
3 country did you say how many hundreds of thousands
4 were needed?

5 THE WITNESS (Maxson): I don't recall
6 the number, but I'm sure it approaches millions.
7 If you've got 30,000 in a state as small as
8 Connecticut, just multiply that.

9 MR. ROSEMARK: Did you ever work on any
10 DAS systems in Nantucket?

11 THE WITNESS (Maxson): Yes.

12 MR. ROSEMARK: What was that DAS
13 system?

14 THE WITNESS (Maxson): The DAS system
15 in Nantucket was built I think about a decade ago,
16 and it was built at the behest of AT&T by a
17 neutral host provider because Nantucket was very
18 fiercely opposed to having cell towers other than
19 the existing radio towers that were already on the
20 island. And so AT&T and other wireless companies
21 joined this DAS. I had involvement with it when
22 the DAS operator could not figure out what was
23 wrong with an interference problem, and they asked
24 me to come in as a consultant to figure it out and
25 tell them how to fix it, which I did.

1 MR. ROSEMARK: Is that system operating
2 today?

3 THE WITNESS (Maxson): To the best of
4 my knowledge, yes.

5 MR. ROSEMARK: Is there any other --
6 are you familiar with the Town of Wellesley,
7 Massachusetts?

8 THE WITNESS (Maxson): Yes. Yes, I am.

9 MR. ROSEMARK: Do you know if there was
10 ever a DAS system proposed by the Town of
11 Wellesley?

12 THE WITNESS (Maxson): I did do some
13 consulting with them a number of years ago, and
14 they had been working very hard to come up with
15 alternatives for towers because of the way the
16 land use is in the Town of Wellesley. There's
17 really no place to put a tower that wouldn't be
18 obnoxious.

19 MR. ROSEMARK: Let me ask you this
20 question: How is the topography different in the
21 Town of Wellesley from the Town of Kent?

22 THE WITNESS (Maxson): Wellesley does
23 not have hills like Bald Hill. I mean, it's got
24 the kind of terrain that you'd find not at the
25 coast but back from the coast where there is some,

1 you know, some hills.

2 MR. ROSEMARK: There are some hills
3 though?

4 THE WITNESS (Maxson): Yes.

5 MR. ROSEMARK: And would you describe
6 Nantucket as being how?

7 THE WITNESS (Maxson): Nantucket is
8 relatively flat. I mean, it's not Great Plains
9 flat by any means. There are hills. And the
10 vegetation is a little bit shorter than it is here
11 on the mainland, but even still, the DAS node on
12 the utility pole that I went to perform some
13 testing on, the trees were at least as tall as the
14 utility pole.

15 MR. ROSEMARK: Okay. Are you familiar
16 with InSite Wireless at all?

17 THE WITNESS (Maxson): Yes.

18 MR. ROSEMARK: Okay. How are you
19 familiar with InSite Wireless?

20 THE WITNESS (Maxson): I think I first
21 ran across them when they were developing
22 distributed antenna systems for transportation,
23 particularly in subways. And I did take a tour of
24 their installation. I don't know who owns it now,
25 but I believe they were the owner/operator at the

1 time in the Boston subways.

2 MR. ROSEMARK: And did they also own
3 towers?

4 THE WITNESS (Maxson): I'm not certain.
5 I don't know.

6 MR. ROSEMARK: Okay. If I said to you
7 what is more lucrative from a tower developer
8 perspective, a freestanding monopole with the
9 capability of three or more carriers versus a
10 small cell that's owned by a wireless carrier kind
11 of in-house, what's more lucrative in the
12 marketplace?

13 MS. CHIOCCHIO: I'm going to object to
14 that question. This is not something that's
15 relevant to the Siting Council's consideration in
16 the application.

17 MR. SILVESTRI: I agree on that. I'd
18 like to move on, Attorney.

19 MR. ROSEMARK: Okay. I believe one of
20 the Council members asked about who could build a
21 small cell system, whether it would be an investor
22 owned or AT&T owned, so I was following up on that
23 question, I believe, by Commissioner Morissette.

24 MR. SILVESTRI: Maybe. But there was a
25 little bit of twist to it which is why I asked you

1 to move on.

2 MR. ROSEMARK: Okay. You mentioned
3 that the backhaul on the tower there was no
4 proposal for a microwave; is that correct?

5 THE WITNESS (Maxson): For AT&T.
6 AT&T's plans show that they plan to connect the
7 tower to the landline network.

8 MR. ROSEMARK: Okay. But even if they
9 had a microwave on the tower, would that be
10 sufficient backhaul to cover in the event of if
11 they were out and they lost their landline and
12 they were operating on backup coverage?

13 THE WITNESS (Maxson): Well, there's a
14 number of issues with microwave. One of them is
15 it's hard to get the kind of bandwidth with a
16 radio link to a distant location that you can get
17 with one pair of fiber-optic cables. It's just a
18 night and day difference between the two. And
19 with the capacities that are being demanded at
20 cell sites today, that's an issue.

21 There was something else I was going to
22 say, but I've forgotten the question, so go ahead.

23 MR. ROSEMARK: I'll ask the question
24 again. The question is, even if they had a
25 microwave installed, would that be sufficient

1 during an outage, say, from a backhaul perspective
2 to carry the signal at the tower?

3 THE WITNESS (Maxson): Yes, thank you.
4 That's the other thing that I picture here. You
5 know, we've been picturing all of these potential
6 use cases or situations of doom and gloom when
7 things go bad. Well, one place -- one way things
8 go bad in this part of Connecticut -- and I will
9 admit I grew up in Ridgefield -- is ice storms.
10 So if you have ice that's accumulating on trees
11 and utility poles and everything else, wires, it's
12 also accumulating on microwave dish antennas and
13 is going to be a problem as a backup to the
14 landlines.

15 MR. ROSEMARK: Okay. And just again,
16 just to follow up on one of the questions by the
17 Commissioner, there are a couple of ways to build
18 a tower, it could be by the carrier or by an
19 investor?

20 THE WITNESS (Maxson): Yeah, that's
21 correct, yes.

22 MR. ROSEMARK: Okay. Or they could
23 also build a small cell system; is that correct?

24 THE WITNESS (Maxson): They, who?

25 MR. ROSEMARK: Either an investor could

1 build either a small cell system or a DAS system?

2 THE WITNESS (Maxson): Yes, an investor
3 probably would build something like a DAS where
4 they had control of the antennas and the backbone
5 and the lease capacity on the radios to the
6 individual carriers.

7 MR. ROSEMARK: So if a carrier just
8 wants to do it itself, it could build its own
9 tower on its own; is that correct?

10 THE WITNESS (Maxson): You're talking
11 about small cells?

12 MR. ROSEMARK: No, a tower.

13 THE WITNESS (Maxson): A tower, okay.
14 Yes, if a carrier wanted to build a tower, they
15 could, and they do, yeah.

16 MR. ROSEMARK: But that business model
17 is usually, as you had indicated, is pretty much
18 outsourced from a financial model for the carrier,
19 is that right, in other words, they can defer that
20 cost by having someone else build their sites for
21 them?

22 THE WITNESS (Maxson): Yes.

23 MR. ROSEMARK: And then you indicated
24 that it's your -- in your experience, AT&T builds
25 their small cells?

1 THE WITNESS (Maxson): Yes. In fact,
2 as I mentioned, I'm reviewing an application by
3 AT&T to install small cells in Burlington,
4 Massachusetts.

5 MR. ROSEMARK: And what's typically the
6 antenna, though, that antenna, is that a broadband
7 antenna?

8 THE WITNESS (Maxson): In this
9 particular case it's frequency specific. I recall
10 seeing antennas that are multi-band that do
11 include 700 megahertz. I'm just not recalling
12 whether it was Verizon or AT&T that I saw that
13 with.

14 MR. ROSEMARK: But they could put on
15 another carrier if they so chose?

16 THE WITNESS (Maxson): They, being if
17 AT&T owns the small cell --

18 MR. ROSEMARK: Correct, yes.

19 THE WITNESS (Maxson): -- and the --

20 MS. CHIOCCHIO: I object to that
21 question. That would be a question for AT&T.
22 Mr. Maxson does not work for AT&T. He wouldn't be
23 able to answer that.

24 THE WITNESS (Maxson): It's an
25 engineering --

1 MR. SILVESTRI: Well, let me interject
2 here. I believe that I might have been one of the
3 people, or Mr. Morissette might have been one of
4 the people that asked if small cells could carry
5 multiple carriers. I think we had the answer yes
6 on that, so I don't think we really need to go
7 specific as to what carrier it might be. So I'm
8 going to sustain the objection and ask you to
9 carry on.

10 MR. ROSEMARK: Okay. And just going
11 back to the 7 small cells that you had modeled for
12 this application, you mentioned that if one of
13 those small cells was, you know, went down, could
14 the other six operate?

15 THE WITNESS (Maxson): Absolutely,
16 yeah.

17 MR. ROSEMARK: And they would
18 communicate as if they were just a lower-based
19 tower for all intents and purposes?

20 THE WITNESS (Maxson): Yeah, each one
21 of them is in effect its own cell site, yes.

22 MR. ROSEMARK: Okay. And you described
23 that you would put a cannister of what type of
24 power that would be supporting that from a backup
25 perspective like a fuel cell?

1 THE WITNESS (Maxson): Oh, for power,
2 okay. Well, if you've seen the small 3 kilowatt
3 generators that you can get at the local hardware
4 box store, that's typically sufficient for this
5 kind of an application, so it's a pretty small
6 package.

7 MR. ROSEMARK: So what type of -- how
8 much power does one of these small cells actually
9 consume, on average, to your knowledge?

10 THE WITNESS (Maxson): It really
11 depends. But I just reviewed a proposed
12 installation of some new DAS nodes in Hull,
13 Massachusetts with four 20 watt amplifiers. So
14 that's 80 watts of radio power. If you consider
15 that the system is perhaps, let's say, 50 percent
16 efficient, it's 160 watts, maybe it's not 50
17 percent efficient, but 25 percent efficient,
18 that's 300 watts, 400 watts, there's not a
19 tremendous amount of power consumption there.

20 MR. ROSEMARK: So if you had a
21 supporting backup system, you could get three days
22 out of one of those small cells, do you think,
23 three or four days?

24 THE WITNESS (Maxson): I think with 28
25 cubic feet to work with under the FCC rule for

1 cabinetry, there's room for a fairly sizable
2 backup if you chose to do it. I'm not prepared to
3 give any numbers in terms of numbers of days
4 without doing more math.

5 MR. ROSEMARK: Sure, sure. Are you
6 familiar with the small cell that's currently in
7 the Town of Kent?

8 THE WITNESS (Maxson): I heard about
9 it, but I'm not familiar with it, no.

10 MR. ROSEMARK: It was also submitted as
11 part of the application from AT&T, they identified
12 the small cell near the school.

13 THE WITNESS (Maxson): Okay.

14 MR. ROSEMARK: Okay. You're not too
15 familiar with that one, though?

16 THE WITNESS (Maxson): No.

17 MR. ROSEMARK: Okay. One of the
18 statements earlier from the testimony was that 700
19 megahertz is, quote, beachfront or oceanside
20 property, and you mentioned that it's got an
21 ability to penetrate foliage. Are there any other
22 characteristics that would call this beachfront
23 spectrum to your knowledge?

24 THE WITNESS (Maxson): Well, yeah, the
25 reason it was called beachfront spectrum by the

1 industry was that it used to be TV channels, and
2 they moved the TV stations out of those channels
3 and made it raw unused spectrum by anybody. And
4 in that respect it's something they didn't have to
5 share with other users, it was just clear and
6 available, which makes it ideal for wireless
7 services. In terms of what other benefits 700
8 megahertz confers, I think we've heard the basics
9 that this part of the UHF radio spectrum used to
10 be for UHF TV broadcasts, and that could go
11 through vegetation pretty well and could diffract
12 over terrain pretty well.

13 MR. ROSEMARK: Okay. Are you familiar
14 with the proposed small cell that's located at 29
15 Rose Lane in Danbury, Connecticut?

16 THE WITNESS (Maxson): I had heard
17 about it in conversation, yes.

18 MR. ROSEMARK: Have you had an
19 opportunity to look at that? That's the filing of
20 19-12-23 on the PURA docket.

21 MS. CHIOCCHIO: Objection. That's a
22 small cell, and it's a completely different
23 community. It's not relevant to this proceeding.

24 MR. SILVESTRI: Attorney Rosemark,
25 where did you want to go with this one?

1 MR. ROSEMARK: Well, I'd like to
2 discuss with Mr. Maxson a small cell that's been
3 proposed by AT&T in Danbury that is also used --
4 they proposed in their application for coverage as
5 well as capacity in their application. So I just
6 wanted to ask him if he's familiar with coverage
7 and/or capacity uses of small cells.

8 MR. SILVESTRI: I'd rather keep it
9 generic then, rather than pointing to the specific
10 project.

11 MR. ROSEMARK: Okay, okay. So Mr.
12 Maxson, are you familiar with the various uses for
13 small cells?

14 THE WITNESS (Maxson): Yes.

15 MR. ROSEMARK: So we've heard that they
16 are only used in an urban environment; is that
17 accurate?

18 THE WITNESS (Maxson): No.

19 MR. ROSEMARK: And are you comfortable
20 in saying that the small cell could be deployed in
21 an area that looks just like Kent?

22 THE WITNESS (Maxson): Yes, the
23 engineering tells me that it's workable.

24 MR. ROSEMARK: What about the traffic
25 counts that AT&T proposed that run along Route

1 341, did you take that into consideration?

2 THE WITNESS (Maxson): Only with
3 respect to the fact that if you have enough
4 spectrum covering the road, you'll have enough
5 capacity to cover the traffic, and AT&T has many
6 frequency bands available to it to populate on a
7 small cell.

8 MR. ROSEMARK: And a rough order of
9 magnitude, how far would that, using the 700
10 megahertz, would that go into or off the sides of
11 the road, so to speak?

12 THE WITNESS (Maxson): Well, as we look
13 at on my computer model --

14 MR. ROSEMARK: What page is that on
15 your computer model?

16 THE WITNESS (Maxson): Scrolling down
17 to the end in the exhibits, I have -- I'm looking
18 at the wrong document, sorry. There we go, okay.
19 I am looking at the right document.

20 So you can see here that the distances
21 are potentially a quarter mile to a half mile, for
22 the most part. There is one that I strategically
23 located above Cobble Road which is a scenic road.
24 And because of the lay of the terrain there and
25 the height of the utility pole on Route 341, it

1 has a wonderful line of sight, wonderful rate of
2 propagation path to the north up in the Cobble
3 Road area. So in that case it's easily a mile
4 but --

5 MR. SILVESTRI: Which page or figure
6 were you referring to?

7 THE WITNESS (Maxson): I'm sorry. This
8 is figure 3.

9 MR. SILVESTRI: On page 15.

10 THE WITNESS (Maxson): My notional
11 small cell network coverage.

12 MR. SILVESTRI: Okay. Thank you.

13 THE WITNESS (Maxson): And the key does
14 cover part of that coverage.

15 MR. ROSEMARK: Okay. Switching for a
16 moment, we heard testimony earlier that some of
17 the public safety devices are ruggedized. Do you
18 have any knowledge of how the public safety
19 devices under FirstNet are designed or built as
20 opposed to a commercial, you know,
21 run-of-the-mill, you know, phone or device that
22 the general public would be accessing?

23 THE WITNESS (Maxson): Yes, to the
24 extent I follow that in the trade press, and I do
25 know people that work on that sort of thing, for

1 instance, at Motorola. And first and foremost are
2 personal cell phones that first responders are
3 given rates to get their phone service through
4 AT&T tied in with the FirstNet network, not
5 exclusively using FirstNet. And then the next
6 kind of level up is if there are communications
7 that are specifically for first responders in the
8 field on scene, on approach to the scene, that
9 equipment is more battle ready, more built for
10 commercial use and abuse, yes.

11 MR. ROSEMARK: Okay. And then are
12 there different -- are those devices set up that
13 have a different power than the normal devices,
14 meaning do they transmit or receive at a higher
15 power than your regular commercial phones?

16 THE WITNESS (Maxson): Yes. About a
17 year ago FirstNet began to promote the development
18 of devices that would operate at about six times
19 the power of a standard cell phone ensuring that
20 people using that equipment could reach a cell
21 site that a normal cell phone couldn't reach.

22 MR. ROSEMARK: That's a very important
23 point. I appreciate that. Can you kind of give
24 that in a layman's interpretation? So if you and
25 I were standing in the same spot and I had a

1 ruggedized phone that had a higher power and you
2 had the same phone and we were trying to
3 communicate back to a site, would I be six times
4 further into -- aside from clutter for a moment,
5 would I have six times the distance to be able to
6 reach back to that tower than you would?

7 THE WITNESS (Maxson): That would be
8 great, but it doesn't quite work that way with
9 radio communication. So it's almost a doubling of
10 the coverage radius of the cell site typically.
11 This is the figure that the industry is using to
12 represent the benefits of high power public safety
13 user equipment.

14 MR. ROSEMARK: So roughly I could be
15 twice as far away from that than as you would be?

16 THE WITNESS (Maxson): Yeah, almost, 80
17 percent.

18 MR. ROSEMARK: 80 percent, okay. And
19 then you testified that you identified seven
20 locations for these small cells; is that correct?

21 THE WITNESS (Maxson): I had selected
22 seven locations to optimize coverage and minimize
23 the number of locations used.

24 MR. ROSEMARK: But if you missed that
25 particular pole and you went a pole or two down in

1 one direction, you would be able to still match
2 roughly the same coverage with the same amount of
3 small cells?

4 THE WITNESS (Maxson): It depends on
5 whether the next pole is 30 feet lower down the
6 hill or not. So this is, as I said earlier today,
7 this is a conceptual design that shows what you
8 can do with 700 megahertz antennas mounted at 50
9 feet above ground, and there's a design process
10 that goes into this that involves looking for
11 sites of opportunity. There are at least two
12 dozen poles that don't have primaries on them in
13 this area that could be opportunities for placing
14 a small cell. And then as I discussed before, at
15 a location that might just be right because it's
16 on top of a hill on Route 341, you put a pole
17 right there and provide the coverage from that
18 location.

19 MR. ROSEMARK: So just as we heard in
20 the testimony earlier where Site A is at --
21 forgive me if I don't have the correct
22 elevation -- that was, say, at 1,310 feet, but
23 Site B was at 1,345 feet, and the commission was
24 asking, well, can you go down because of the
25 elevation, and there was some discussion about why

1 you couldn't, but is that what you're talking
2 about, you might, you know, the terrain along 341
3 might be, you might hit a higher spot where it
4 might be much more suitable, is that what
5 you're --

6 THE WITNESS (Maxson): Yes. And for
7 example, my location number, I can't read it on my
8 computer screen, it's the one that's by the curve
9 to the left side of the document, I think it might
10 be 6 -- no, 8, it is on high ground on Route 341
11 overlooking lower ground on the Cobble Road area,
12 so that's an example of picking a spot that
13 minimizes tree obstruction and maximizes coverage
14 over terrain with a small cell.

15 MR. ROSEMARK: And you said the turn.
16 Are you familiar with that area, meaning is that a
17 dangerous curve in that area? Why did you pick
18 that, or why did you comment like that about that
19 curve?

20 THE WITNESS (Maxson): That curve is
21 something that in discussions with public safety
22 people and the selectman and the residents is
23 notorious for vehicular accidents and notorious
24 for not having good cell coverage. And the Bald
25 Hill site does not provide good cell coverage to

1 that dangerous curve.

2 MR. ROSEMARK: So the Bald Hill site
3 would not meet the coverage requirement for that
4 curve, in your opinion?

5 THE WITNESS (Maxson): Yes.

6 MR. ROSEMARK: Would a small cell or a
7 couple of small cells, how would that do?

8 THE WITNESS (Maxson): Well, I placed a
9 small cell right at that spot in my model, and it
10 would illuminate that section of Route 341 that is
11 completely missed by existing cell sites and
12 completely missed by the coverage on Bald Hill.

13 MR. ROSEMARK: And what modeling
14 program did you use?

15 THE WITNESS (Maxson): I used software
16 that's EDX is the publisher and it's called
17 SignalPro, and it's a carrier class propagation
18 modeling tool that's very similar to Planet which
19 is used by C-Squared Systems.

20 MR. ROSEMARK: And how do you know
21 Planet is used by C-Squared Systems?

22 THE WITNESS (Maxson): I have read that
23 numerous times and seen it testified to by
24 C-Squared Systems personnel.

25 MR. ROSEMARK: Okay. And does your

1 modeling program model both macrocells and small
2 cells or one or the other?

3 THE WITNESS (Maxson): It models radio
4 propagation, and it has the tools to enable us to
5 set it up to model macrocells and to model small
6 cells.

7 MR. ROSEMARK: Okay. And what output
8 or effective radiated power did you use for the
9 model?

10 THE WITNESS (Maxson): Well, for the
11 macro coverage I used a figure of 34 dBm effective
12 isotropic radiated power, and for the small cells
13 I reduced that by a little over a factor of 10 to
14 22 dBm effective isotropic radiated power.

15 MR. ROSEMARK: And why did you choose
16 those numbers?

17 THE WITNESS (Maxson): Those numbers
18 are consistent with the data we get from AT&T and
19 Verizon, T-Mobile and formerly Sprint for the kind
20 of power levels that they use when they're
21 deploying and modeling these kinds of facilities.
22 And if you compare my prediction of coverage with
23 the applicant's prediction of coverage, you'll see
24 that they're very similar, so that kind of
25 confirms that we're using an appropriate power

1 level.

2 MR. ROSEMARK: Now, I may have lost
3 what you were talking about with the greater dBm
4 from, I guess, outdoor coverage, and there was a
5 gain of 13 dBms or something. What was that part
6 of the discussion that you were having earlier
7 with the Commission?

8 THE WITNESS (Maxson): Oh, there's just
9 a plethora of ongoing research in the field of
10 radio propagation, as in so many other technical
11 fields, and there was work done by the
12 Communications Research Center in Canada in 2011
13 where they evaluated how much of a gain in
14 performance in coverage you could get by using 700
15 megahertz instead of using something up in the 2
16 gigahertz range. And it comes down to the fact
17 that for their analysis, and they said for hilly
18 wooded terrain that the 700 megahertz signals have
19 about an 18 dB advantage in terms of path loss
20 between source and destination compared to 2
21 gigahertz.

22 MR. ROSEMARK: Okay. But could you
23 break that down in a little bit more layman's,
24 like how would I equate that if I was standing in
25 a field? Would that be helpful? Can you give an

1 analogy to what that benefit is? Is there any
2 other way?

3 THE WITNESS (Maxson): Yeah, the
4 simplest way is if you were to look at the
5 applicants' modeling of my hypothetical network at
6 their negative 108 dBm threshold, I think, that if
7 you assume that that was modeled with the kind of
8 losses you expect for a 2 gigahertz radio for like
9 PCS, and that perhaps their model didn't
10 compensate for the 700 megahertz coverage. If you
11 add 18 dB to their negative 108 dBm threshold,
12 which I think was yellow on their map, it really
13 means that at 700 megahertz that 108 dBm --
14 negative 108 dBm is minus 90 is a good signal. So
15 if we assume that their modeling overcompensated
16 for vegetative loss at 700 megahertz, and if we
17 assume the CRC 18 dB figure should have been added
18 to that, what we find is that their model is very
19 close to our model. That makes the difference.

20 MR. ROSEMARK: And I'm a little
21 confused because I thought the testimony from AT&T
22 earlier was that they didn't model any small
23 cells, so am I missing something on that?

24 THE WITNESS (Maxson): Well, I see in
25 some of their maps that after seeing my small cell

1 design that they did attempt to demonstrate how
2 feeble they thought the small cells would be.

3 MR. ROSEMARK: Okay. I guess it would
4 be a question -- but you were listening to the
5 testimony all this afternoon as well?

6 THE WITNESS (Maxson): Yes.

7 MR. ROSEMARK: Did you hear the
8 gentleman, the RF engineer, Mr. Lavin, say that
9 they did not model your -- they did not model any
10 small cells when I asked them that specific
11 question?

12 THE WITNESS (Maxson): I'm not
13 recalling it exactly that way. I thought it had
14 to do with designing, but I'm not clear on what
15 was said.

16 MR. ROSEMARK: All right. And then did
17 AT&T ask you for any additional information on
18 your small cell design at all?

19 THE WITNESS (Maxson): No, I got no
20 questions about the information I produced.

21 MR. ROSEMARK: All right. And then
22 also there was a claim, I recall, that the small
23 cells would have to be placed at 25 feet; is that
24 accurate?

25 THE WITNESS (Maxson): Well, that's a

1 standard assumption that I see. Wireless
2 companies will insist that, because there are
3 primaries on the utility poles, and that in a
4 particular region the utility company does not
5 allow antennas above primaries, the alternative on
6 that existing utility pole is to use the
7 communication space, as it's called, and that's
8 nominally at 25 feet above ground.

9 MR. ROSEMARK: So your methodology,
10 what is your opinion, do you feel that that's a
11 sound methodology on your analysis?

12 THE WITNESS (Maxson): Absolutely. I
13 think it's just using good engineering practice to
14 come up with a hypothetical model that strongly
15 suggests that there's a way to solve this problem
16 with a more creative solution than putting a bulky
17 cell tower on a scenic ridge.

18 MR. SILVESTRI: Attorney Rosemark.

19 MR. ROSEMARK: Yes.

20 MR. SILVESTRI: I'd really like to stop
21 at 6 because my legs are getting shot from sitting
22 down. PDA does have to come back with their
23 Late-File on September 3rd. So if you had like
24 one or two more questions and we could wrap this
25 up for the day, it would be appreciated.

1 MR. ROSEMARK: I'll rather wait until
2 the next hearing. I don't know how long it's
3 going to take, so I have a few more questions.

4 MR. SILVESTRI: Again, we've got about
5 eight minutes, maybe, before 6 o'clock. I don't
6 know if you or Attorney Casagrande might want to
7 get something else in, but I do want to get a hard
8 stop for 6.

9 MR. ROSEMARK: Okay. So do you need to
10 wrap up with any comments, et cetera, do you need
11 two or three minutes?

12 MR. SILVESTRI: Yes, I do.

13 MR. ROSEMARK: I think I'm going to go
14 for at least another 15 minutes, so I think I'll
15 exceed that, unless you're telling me I can't ask
16 anymore questions, and then I'll just have to deal
17 with that in that way.

18 MR. SILVESTRI: Yeah, again, because
19 they're going to come back on September 3rd and do
20 have Late-Files. And again, because we've been at
21 this for like five hours, I think everybody does
22 need a break. So if you could hold off on that
23 until September 3rd, we'll also get the Late-File
24 and probably have a lot more questions to ask all
25 around. I think that would be ideal.

1 MR. ROSEMARK: I agree.

2 MR. SILVESTRI: All right. So let me
3 do wrap this up with the Council does announce
4 that it will continue the remote evidentiary
5 session of this hearing on Thursday, September 3,
6 2020. That will be at 2 p.m. Now, if necessary,
7 this will be a closed evidentiary hearing session
8 specifically limited to the phase 1 environmental
9 site assessment for Site A that was submitted
10 under protective order and only open to parties
11 and intervenors that have executed the
12 nondisclosure agreement. Now, once the closed
13 evidentiary hearing session concludes, or if the
14 closed evidentiary hearing session is not
15 necessary, the Council will resume the open
16 evidentiary hearing session at that time.

17 Please note that anyone who has not
18 become a party or intervenor but who desires to
19 make his or her views known to the Council, may
20 file written statements with the Council until the
21 public comment record closes. Copies of the
22 transcript of this hearing will be filed with the
23 Kent Town Clerk's office.

24 And I do hereby declare this hearing
25 adjourned. I thank you all for your

1 participation, and please be safe out there.

2 Thank you.

3 (Whereupon, the witnesses were excused
4 and the above proceedings adjourned at 5:55 p.m.)
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I N D E X

APPLICANTS' WITNESSES: (PREVIOUSLY SWORN PAGE 191)

RAYMOND VERGATI
 HARRY CAREY
 ROBERT BURNS
 MICHAEL LIBERTINE
 MARTIN LAVIN
 DAN STEBBINS

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CONNIE A. MANES
 PAUL ELCONIN
 MATTHEW SIPPEL
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3 APPLICANTS' EXHIBITS
(Received in evidence)

4 EXHIBIT	DESCRIPTION	PAGE
5 II-B-11	Applicants' Pre-filed testimony of Dan Stebbins, AT&T FirstNet Solutions Consultant, dated August 4, 2020.	201
6 II-B-12	Applicants' supplemental submission, dated August 4, 2020.	201
7 II-B-13	Applicants' Late-Filed exhibits, dated August 6, 2020.	201

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9
10 PDA EXHIBITS
(Received in evidence.)

11 EXHIBIT	DESCRIPTION	PAGE
12 III-B-1	PDA Application to intervene under CEPA Section 22a-19, Section 4-177a and Section 16-50n, dated March 3, 2020.	281
13 III-B-2	PDA responses to Council interrogatories, Set One, dated May 11, 2020.	281
14 III-B-3	PDA Pre-filed testimony of Robert (Todd) Powell with attachments, dated July 16, 2020.	281
15 III-B-4	PDA Pre-filed testimony of Connie Manes, Kent Land Trust letter to the Council, dated July 11, 2020.	281
16 III-B-5	PDA Pre-filed testimony of Connie Manes, Kent Land Trust, dated July 15, 2020.	281
17 III-B-6	PDA Pre-filed testimony and affidavit of Paul Elconin, director of land conservation, Northwest CT Land Conservancy (f/k/a Weantinoge Heritage Land Trust), dated July 15, 2020.	281
18 III-B-7	PDA affidavit of David P. Maxson, WCP, Isotrope, LLC, dated July 15, 2020.	281
19 III-B-8	PDA Pre-filed testimony of David P. Maxson, WCP, Isotrope, LLC, Isotrope Coverage Analysis attachment, dated July 16, 2020.	281

1 I n d e x (Cont'd.)

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3 SRA EXHIBITS
4 (Received in evidence.)5
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EXHIBIT	DESCRIPTION	PAGE
VI-B-1	SRA application to intervene under CEPA Section 22a-19, Section 4-177a and Section 16-50n, dated July 16, 2020.	281
VI-B-2	SRA pre-filed testimony of Matthew J. Sippel, executive committee member, SRA, dated July 16, 2020.	281

LAKESIDE EXHIBITS
(Received in evidence.)

EXHIBIT	DESCRIPTION	PAGE
VII-B-1	Lakeside application to intervene under CEPA Section 22a-19, Section 4-177a and Section 16-50n, dated July 16, 2020.	281
VII-B-2	Lakeside affidavit of Marleen Donnenfeld, dated July 15, 2020.	281

**All exhibits were retained by the Council.